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Mauritius

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I. Introduction

1. The Government of Mauritius is committed to strengthening democracy, promoting nation building and entrenching the fundamental rights and freedoms of Mauritian citizens. The promotion and protection of human rights is guided by the basic philosophy underlying Government Programme 2015-2019 which is "*Achieving meaningful change*". In addition to the human rights provisions enshrined in the Constitution, a series of measures have been adopted and are aimed at ensuring that the Citizens of Mauritius, irrespective of their race, place of origin, political opinions, color, creed or sex are able to exercise effectively their civil, political, economic, social and cultural rights.

2. In 2017, the Economist Intelligence Unit (EIU) ranked Mauritius as the 16th most democratic nation in the world illustrating the commitment of the Government to strengthen the existing democratic and human rights architecture. Mauritius also retained its first place on the Mo Ibrahim Index relating to governance performance in African countries. The Rating for Mauritius was 0.781 in the 2016 Human Development Report. Consequently, Mauritius is placed in the high human development category and positions itself at 64 out of 188 countries and territories. Both the International Monetary Fund and Moody's have described the economic performance of Mauritius as being strong and resilient. In March 2018, Moody's affirmed the current Baa1 sovereign credit rating for Mauritius due to its stable outlook.

II. Methodology and consultation process

3. In the preparation of our third Mauritius Report for the Universal Periodic Review, the General Guidelines of the Human Rights Council have been followed.

4. The national report of the Republic of Mauritius covers the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius. Workshops and brainstorming sessions were organised with relevant stakeholders. The Report aims at providing updates on the recommendations made during the last review in July 2013. It should be read in conjunction with the following:

(a) Periodic reports submitted to the Committee on the Elimination of Discrimination against Women (2018), The Committee on Economic, Social and Cultural Rights (2017), the Committee on the Elimination of Racial Discrimination (2017), the International Covenant on Civil and Political Rights (2016) and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2016);

(b) UPR mid-term report of Mauritius submitted in May 2016.

The Chagos Archipelago

5. The Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius under both Mauritian law and International law. Although Mauritius has sovereignty over the Chagos Archipelago, it is being prevented from exercising its sovereign rights over the Chagos Archipelago. The United Kingdom excised the Chagos Archipelago from the territory of Mauritius prior to independence, in violation of international law and UN General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967. The decolonization process of Mauritius therefore remains incomplete.

6. The illegal excision of the Chagos Archipelago from the territory of Mauritius also involved the eviction by the United Kingdom of the Mauritians who were residing at the time in the Archipelago ("Chagossians") in total disregard of their human rights. Most of the Chagossians were moved to Mauritius.

7. Chagossians, being fully-fledged citizens of Mauritius, enjoy the same rights as other Mauritian citizens. However, with a view to improving the well-being of the Chagossians, the Government of Mauritius has taken and continues to take special measures in their favour. These measures include the donation of land for the construction of houses and the setting up of the Chagossian Welfare Fund (**Recommendation 113**).

III. Human rights framework – developments since last review in 2013

Political

8. In November 2017, the Ministry of Justice, Human Rights and Institutional Reforms was created and the portfolio of Human Rights was transferred from Prime Minister's Office to the newly created Ministry. Additionally, a Human Rights Secretariat and the National Mechanism for Reporting and Follow-Up (NMRF) have been set up since December 2017 under the aegis of the new Ministry (**Recommendations 25, 42**). This new framework aims to ensure that Human Rights obligations are fully met, periodic reports and mid-term Review /Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned. Furthermore, it ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights issues.

9. The **Independent Police Complaints Commission Act** was proclaimed in April 2018 and the IPCC is already operational. The IPCC investigates into complaints, other than acts of corruption or money laundering offences, made against police officers in the discharge of their functions.

International conventions and protocols

10. Mauritius is taking the necessary steps to ratify or accede to the major human rights instruments. The newly set up NMRF is responsible for coordinating this task. (**Recommendation 1**).

11. **Ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW) (Recommendations 2, 3, 4, 5, 6, 7 and 115**): it will not be possible to allow migrant workers with their families, in view of Mauritius being geographically small and having limited resources.

12. **The second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty (Recommendation 8).** Following the enactment of the Abolition of Death Penalty Act 1995, all death sentences imposed have been commuted to sentences of penal servitude for life (**Recommendations 116 to 119 and 121**). The Supreme Court may now inflict sentences of penal servitude for life or sentences for terms not exceeding 60 years where the law so provides.

13. The ratification of The International Convention for the Protection of All Persons from Enforced Disappearances (CPED) is not being envisaged for the time being (**Recommendations 9, 10, 11**). Mauritius has no case of enforced disappearance (**Recommendation 122**).

14. The ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) is under consideration (**Recommendation 132**). There are a number of existing domestic remedies already available to Mauritian citizens. Mauritius being a welfare state, already provides free education, free access to health services and social aid to vulnerable groups and universal pension benefits to the elderly and free public transport for elderly and students. (**Recommendation 120**).

15. The third Optional Protocol to the Convention on the Rights of the Child (CRC): The Third Optional Protocol on a Communications Procedure to the CRC was signed on 13

August 2012 **(Recommendations 12 and 13).** Ratification of same shall be envisaged once the Children's Bill and Adoption Bill are passed by the National Assembly. Both Bills have reached an advanced stage of preparation.

16. Mauritius has not yet ratified the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention of 1951): Mauritius is already a party to the Rome Statute and same has been domesticated in the International Criminal Court Act which criminalises genocide and other atrocities of war crimes. **(Recommendations 14, 15 and 127).**

17. Mauritius is considering the signature and ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa adopted by the African Union in 2016. The NMRF is currently coordinating between stakeholders.

18. Mauritius has ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in June 2017, albeit with reservations.

19. Mauritius has not yet ratified the Agreement on the Privileges and Immunities of the International Criminal Court (ICC). However, draft regulations have been prepared for discussions and comments. **(Recommendation 129).**

20. Mauritius has not signed the 1951 Convention Relating to the Status of Refugees and its Protocol **(Recommendations 15 and 123).** Government has consistently not adopted a policy to grant status of refugees to foreigners. Assistance is extended to those who apply for asylum through the United Nations High Commissioner for Refugees by facilitating their settlement in a country willing to receive them.

21. Mauritius has not yet ratified the Kampala Convention **(Recommendation 130).** Mauritius does not have problems associated with internally displaced people in view of its size and topography.

22. Mauritius has ratified the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data known as "Convention 108". Mauritius is the first African country to ratify this Convention.

Legislative

23. New pieces of legislation have been enacted since the last review of Mauritius to better guarantee the protection of human rights **(Recommendations 28, 29).**

24. The **Human Tissue (Removal, Preservation and Transplant) Bill** has been passed in 2018. A better legal framework for the removal, preservation and transplant of human tissue, other than blood, under appropriate medical supervision is now available.

25. The **Reform Institutions (Amendment) Bill** was passed in April 2018. The object of the Bill is to:

(a) Do away with the system of automatic remission whereby convicted persons were eligible to be discharged after having served two thirds of the period of sentence and to replace it with a new system of earned remission with a view to encouraging convicted persons to earn maximum remission not exceeding one third of the period of sentence where, during their term of imprisonment, they are of good conduct by not committing any prison default;

(b) Toughen the law against officers of the Mauritius Prisons Service, detainees and persons working in reform institutions who are convicted under the Act; and

(c) Provide that where, during his term of imprisonment, a detainee commits an offence under the Act, that detainee shall, on conviction for that offence, be ordered to serve immediately after the expiry of the sentence for which he was detained, any sentence imposed upon him by the Court.

26. The new system of earned remission is not applicable to those convicted for drug dealing/ trafficking, sexual offenses on minors or handicapped persons.

27. A new **Data Protection Act** was enacted last year and came into force in January 2018. It provides for the protection of the privacy rights of individuals in view of the developments in the techniques used to capture, transmit, manipulate, record or store data relating to individuals. This new Act aligns the law in Mauritius with the EU General Data Protection Regulation (GDPR). Mauritius is the first country to align itself with the EU GDPR.

28. The **Equal Opportunities Act** was amended in 2017 to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotion level, where a person's criminal record is not relevant to the nature of the employment for which that person is being considered (**Recommendation 55**). The law was also amended to put the burden of proof, that a discrimination on ground of criminal records is relevant, on the employer.

29. The Extradition Act dating back to 1970 was repealed and replaced by a new legislation. The Extradition Act was passed in the National Assembly in 2017 to make better provisions for the extradition of persons from and to Mauritius. It simplifies extradition procedures and makes no distinction between Commonwealth and non-Commonwealth countries and promotes cooperation without for that matter neglecting to make adequate allowance for the rights of persons whose extradition or arrest is sought. The Act has already been proclaimed and is in force. In fact, the first case of extradition under the new law has been processed in 2018.

30. The **Social Integration And Empowerment Act** was passed in 2016 to promote social integration and empowerment of persons living in absolute poverty within the philosophy of enhancing social justice and national unity (**Recommendation 45**).

31. The **Prevention of Terrorism Act** was amended in 2016 to provide for the reinforcement of the legal framework against terrorism, and for related matters.

32. The **Constitution** was amended in November 2016 to provide for the imposition of restrictions on:

(a) The movement within Mauritius;

(b) The right of any person to leave Mauritius.

pursuant to an order of a Court or a Judge of the Supreme Court under the Prevention of Terrorism Act, being a law relating to offences or acts of terrorism.

33. The **Protection of Elderly Persons Act** was amended in 2016 to enhance the level of protection of, and security to the elderly (**Recommendation 46**).

34. The **Protection from Domestic Violence Act** was amended in May 2016 to provide for better protection to victims of domestic violence.

35. The **Firearms Act** was amended in 2016 to implement the provisions of the Arms Trade Treaty to which Mauritius is a signatory. It enables police officers to exert a better control on the movement of firearms in the country and those in transit.

36. The **National Women's Council Act** was amended in 2016 to further promote women's empowerment and gender equality, especially through the active participation of women in the social, economic and political fields.

37. The **National Wage Council Act** was passed by the National Assembly in 2016. It provided for the establishment of the National Wage Consultative Council, which, in the discharge of its functions shall be mainly responsible to make recommendations to Government regarding:

(a) The introduction of a national minimum wage in the private and public sectors; and

(b) The payment of additional remuneration to offset any increase in the cost of living every year with a view to improving the living conditions of workers.

38. The National Minimum Wage is now a reality in Mauritius.

39. The **Anti-Personnel Mines and Cluster Munitions (Prohibition) Act** was passed in 2016. It domesticates the Convention on Cluster Munitions and provides a single legislation to incorporate both the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and the Convention on Cluster Munitions.

40. Amendments were brought to the Rodrigues Regional Assembly Act, through the **Rodrigues Regional Assembly (Amendment) Act 2016**. Concurrently, an amendment was brought to the Constitution to make provision for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly.

41. The **Information and Communications Technologies Act** was amended in 2016 to provide, inter alia, that the National Assembly shall, for the broadcast of its proceedings be exempt from being licensed with the Independent Broadcasting Authority.

42. The **National Assembly (Privileges, Immunities and Powers) Act** was also amended in 2016 to provide that no civil or criminal proceedings be instituted against any person for broadcasting the proceedings of the National Assembly.

43. The **Police (Membership of Trade Union) Act** was passed by the National Assembly in 2016 to allow members of the Police Force to unionise.

44. The **Employment Rights Act** was amended in 2015 to increase maternity leave from 12 weeks to 14 weeks. It also provides that every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value. Government has also announced in Budget Speech 2018-2019 that paid maternity leave will be extended to employees who are not 'confirmed' in their employment.

45. The **Local Government Act** was amended in 2015 to provide for a larger representation of women in the political arena. The Municipal City Council and Municipal Town Council Elections Regulations 2012 were amended in 2015 to provide for compliance with Section 11 (6) of the Local Government Act, which provides that any group presenting more than 2 candidates in an election shall ensure that the candidates are not all of the same sex.

46. The **National Employment Act 2017** provides for a National Employment Department to promote employment, placement and training of job seekers including young persons and persons with disabilities through approved programmes.

47. The **Judicial and Legal Provisions Act** was passed in 2018 with a view to improving the administration of justice in Mauritius (additional details are at paragraph 66).

48. The National Assembly has also passed the **Convention on Prohibitions or Restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have Indiscriminate Effects Act**. The Act gives effect to the Convention commonly known as the Convention on Certain Conventional Weapons (CCW) and to its protocols. It provides for the protection of civilians and civilian populations and for post-armed conflict measures.

IV. Promotion and protection of human rights on the ground

Equality and non-discrimination

49. The Certificate of Character Act 2012 provides that a person who has been convicted for a specified minor offence and who has been given a non-custodial sentence in specified cases or been granted a free pardon in respect of an offence shall be deemed not to have committed an offence for the purpose of being issued a Certificate of Character **(Recommendation 87)**.

50. Section 9 of the **Equal Opportunities Act** provides that every employer needs to draw up and apply an Equal Opportunity Policy at his/her place of work with a view to

minimise the risks of discrimination and promoting recruitment, training, selection and employment on the basis of merit. The Act was amended in 2017 for the prohibition of discrimination in employment on the grounds of a person's criminal record. **(additional details at paragraph 28).**

51. The Equal Opportunities Commission has since its inception up to April 2018 dealt with 2007 cases lodged either by individuals or by group of individuals seeking redress as to cases of discrimination. The population is being sensitized by the Commission with regards to lodging of complaints. **(Recommendation 16).**

52. Government has not yet taken any policy decision to repeal section 250 of the Criminal Code regarding consensual homosexual activity **(Recommendations 145 to 147).** The NMRF is, however, actively coordinating efforts especially with NGOs and other countries towards finding the most appropriate solutions to this Human Rights issue.

53. Statistics on complaints compiled by the different National Human Rights Institutions in Mauritius are at **Annex 1.**

Right to development

54. Mauritius believes in providing equal opportunities to its citizens. Government also promotes social empowerment through a series of social measures with a view to raising the standard of living of its citizens. Mauritius has consistently maintained and, where possible, strengthened the welfare state.

55. As at March 2018, three mobile apps (Smart Traffic App, Smart Police App, and Consumer Protection App) have been launched and citizens can access relevant and real-time information.

Environmental issues

56. In 2016, the National Disaster Risk Reduction and Management Act 2016 came in force and a National Disaster Risk Reduction and Management Council (NDRRMC) was set up to inter alia oversee the implementation of National Disaster Risk Reduction and Management policies, framework and plan. The National Disaster Risk Reduction and Management Centre under the guidance of Council, acts as the main institution for coordinating and monitoring the implementation of disaster risk reduction and management activities.

57. A Land Drainage Authority has been set up to manage and coordinate drain projects and also implement a land drainage master plan. It will ensure the protection of life and property of the citizens and endeavor to minimize havoc and sufferings caused by acts of nature. The Land Drainage Authority Act was passed in the National Assembly in 2017.

58. The Republic of Mauritius is the first Small Island Developing State (SIDS) to have its own tide and storm surge Early Warning System.

59. A manual on climate change for teachers of primary and secondary schools has been prepared. Some 750 teachers have been trained.

60. Over 100,000 people from civil society have been sensitized between 2014 and 2017 on climate change. Moreover, local volunteers are also trained by NDRRM Centre to act as the 'Community Disaster Response Team'. Government has also put the necessary funding available to the National Environment Fund for the implementation of projects island-wide, to protect the environment and mitigate risks associated with climate change- this includes the rehabilitation of beaches, solid waste management, flood management, landslide management and other embellishment works.

Human rights and counter-terrorism

61. The National Counter Terrorism Strategy of Mauritius currently under preparation will be in line with the UN Global Counter Terrorism Strategy. Due consideration is being given therein to Pillar IV to ensure that the fight against terrorism does not discriminate, in purpose or effect, on grounds of race, colour, descent, or national or ethnic origin and that individuals are not subjected to racial or ethnic profiling or stereotyping.

Right to life, liberty and security of the person

62. The Right to bail is a constitutionally protected right. The **Bail Act** sets out the grounds on which bail may be refused by the Court as well as the conditions that may be imposed by the court for the release of the defendant or detainee.

63. The table below shows the Prison population (more details in **Annex 4**) as at March 2018.

Prisons	*Capacity*	*Remand*	*Convicted*	*Total*
Total	**3,274**	**1,047**	**1,312**	**2,359**

Source: Mauritius Prison Service

64. The Police and Criminal Justice Bill is under preparation and likely to be brought to the National Assembly in 2018. It aims at striking a balance between the rights of the individual and the powers by the Police and those in authority. In the Draft Bill, provisions have been made for Codes of practice to be observed by police officers, which include inter alia, investigation, powers of arrest and stop and search. The Bill makes provision for a police officer not to arrest a person on the basis of a mere allegation by a third party.

Administration of justice, including impunity and the rule of law

65. The Government Programme 2015-2019 provides that reforms will be brought to the judiciary to expedite determination of court cases. The legislation to set up a separate Court of Appeal Section and a separate High Court Section of the Supreme Court is in the pipeline.

66. The newly enacted Judicial and Legal Provisions Act provides inter alia:

(a) For the review of the offence of outrage against the public and religious morality and the offence of stirring up contempt or racial hatred so as to criminalise such offences committed through electronic means, and to provide for stiffer penalties;

(b) For an increase in the time limit for payment of a fine from 12 months to 2 years;

(c) That a person sentenced to a term of imprisonment or penal servitude shall, subject to certain conditions, be given full credit for the time he has spent in custody by deducting that time from the term of imprisonment or penal servitude imposed;

(d) That a convicted person who has, so far, not benefitted from full credit for the time he has spent in custody, may petition the President under section 75 of the Constitution with a view to obtaining full credit for the time he has spent in custody.

67. Government believes that proper infrastructure should be provided to the judiciary and thus a new Supreme Court Tower is being constructed and is expected to be completed by September 2019. Furthermore, new court premises will be provided to District Courts in different regions.

68. New digital and audio recording systems have been put into place.

69. E-Judiciary is run at the level of the Commercial Division of the Supreme Court.

Fundamental freedoms and participation in public and political life

70. Section 12 of the Constitution provides for freedom of expression. Government is considering to amend the Independent Broadcasting Authority Act, which currently limits foreign shareholding in companies applying for a television permit to 20% **(Recommendation 88)**.

71. The Human Rights Committee in its finding of 2012 stated that Article 25 of the Covenant had been violated. With a view to complying with the findings of the UN Human Rights Committee, Parliament, in July 2014, passed the Constitution (Declaration of Community) (Temporary Provisions) Act whereby it was not mandatory for a candidate to declare the community to which he belongs for the general elections of December 2014.

72. Government stands committed to reform the electoral system so as, inter alia, to introduce a dose of proportional representation in the National Assembly, guarantee better women's representation and address the issue of mandatory declaration of community **(Recommendations 61, 139 to 142)**. In this context, a Ministerial Committee was set up in January 2016. It has looked into several issues pertaining to the electoral reform, namely, the financing of political parties, widening of powers of the Electoral Supervisory Commission (ESC), guaranteeing better women's representation in the National Assembly and amendments to the electoral system in Rodrigues has already been catered for. At the beginning of the month of May 2018, the Ministerial Committee on Electoral Reforms has submitted its report and same is currently under examination at the level of the Prime Minister's Office before submission to Cabinet. **(Recommendations 48 and 62)**

Prohibition of all forms of slavery

73. Slavery and forced labour are prohibited under Section 6 of the Constitution. The Employment Rights Act also provides that a child below the age of 16 cannot enter into an employment contract and the normal day's work of a worker consists of 8 hours' actual work.

74. The Act also makes provision for equal remuneration for work of equal value **(Recommendations 56 and 63)**.

75. A shelter for adult victims of human trafficking has been identified which, amongst others, shall provide temporary accommodation suited for the needs of victims of trafficking.

76. The number of cases of trafficking in persons that have been reported to Police is as follows.

Year	*2013*	*2014*	*2015*	*2016*	*2017*
No of reported cases	14	22	29	13	7

Source: Mauritius Police Force

77. In terms of victim support, there are Government funded NGO shelters and victim drop-in centre. The Courts Act provides for camera testimonies under specific circumstances. In addition, Government is also working on a comprehensive policy and strategic plan for children and the Police Department is collaborating with international organisations such as INTERPOL to gather information and intelligence for offences, including those related to human trafficking having an international dimension.

78. To ensure a proper coordination, an inter-Ministerial Committee has been set up under the Chairmanship of the Attorney-General for a concerted response to issues related to Trafficking in Persons, including child trafficking and forced labour. A draft National Action Plan to combat Trafficking in Persons is currently under preparation.

79. In January 2016, the Office of the Director of Public Prosecutions in collaboration with the US Embassy and the International Organisation for Migration, provided a training course to various stakeholders on investigation and prosecution of 'trafficking in persons'

offences. Further trainings were provided to senior officials of the police department by the Office to identify and discuss legal issues which may arise on the detection and prosecution of trafficking in persons offences.

Right to privacy and family life

80. The National Identity Card (Miscellaneous Provisions) Act 2013 provided for the storage and retention of biometric information (including fingerprints) on a centralized database. However, the Supreme Court of Mauritius, has in the case of R. Mahadewoo v The State 2015 SCJ 417 held that the storage of biometric information on the centralised database was not necessary in a democratic society and was in breach of section 9 of the Constitution of Mauritius. Following the Court judgment, the biometric information stored was destroyed by decision of Government.

81. Section 31 of the Employment Rights Act provides that a male worker is entitled to 5 continuous working days' paternity leave.

Right to work and to just and favourable conditions of work

82. Under sections 8 and 23 of the **National Wage Consultative Council Act 2016**, the National Minimum Wage is now law in Mauritius. The National Minimum Wage Regulations 2017 provides for the payment of a monthly national minimum wage of Rs 8,140 from January 1st, 2018 for all full time employees and a prorated rate for part time workers.

Right to social security

83. The National Pensions Act has been amended in July 2017 to allow beneficiaries of industrial injury and survivor's pension to claim basic pension.

84. More than half of the total Government Budget is spent on community welfare and social security to promote social-economic wellbeing of the population. The social security system provides in respect of contingencies like old age, invalidity, death of bread winner, sickness, unemployment and employment injury. It also provides for wide array of social benefits, social aids and pensions. Basic Pensions were considerably increased in December 2014 and some 240,000 persons have benefitted from it.

Right to an adequate standard of living

85. On the basis of the UN definition of US $1.90 (PPP) per person a day, extreme poverty in Mauritius is negligible at less than 1%.

86. The Social Register of Mauritius (SRM) has been developed since June 2015 and constitutes a national database of vulnerable households in Mauritius. The Ministry of Social Security, National Solidarity and Environment and Sustainable Development is the legal custodian of the SRM database.

87. In the National Budget Speech of 2016/2017, the national poverty lines, which stood at Rs 6, 200 and Rs 5, 000 (excluding transfers) for Mauritius and Rodrigues, respectively, had been reviewed with the introduction of a new scheme under which every adult on the Social Register of Mauritius is entitled to a monthly subsistence allowance based on a minimum threshold of Rs 2,720 per adult with a maximum threshold of Rs 9,520, for a family of two adults and three children. The quantum of subsistence allowance to be paid is the difference between the assessed income and poverty threshold of the household. In this connection, the Social Integration and Empowerment Act was enacted in 2016.

88. Following the change in law, a new database of 8,340 eligible poor households had been constituted under the Social Register of Mauritius (SRM) as at 31 December 2016. The first payment of the monthly subsistence allowance to 7,993 eligible households, who

have signed their social contracts, was effected on 15 December 2016 for a total amount of Rs 14.9 Million. The registration of households living in absolute poverty under the SRM is on-going **(Recommendations 27 and 89)**.

89. Negative Income Tax (NIT) is a system where, instead of paying taxes, individuals earning below a certain amount, will receive financial support from Government. NIT has been implemented since July 2017 and some 75,000 persons are directly concerned with this new measure.

90. Since 2016, Government has decided to exempt households which consume up to 6m3 of water from payment of water charges. Grants are also provided to low income families for the purchase of water tanks. 99.4% of the population had access to piped potable water (2011 Housing and Population Census Survey, Statistics Mauritius).

91. The Water Resources Unit is implementing the Master Plan for Water Resources for the mobilization of additional water resources to meet the present and future needs of the population. A new dam has been completed and will mobilize 12 Million cubic meters of water to improve water supply in the central region and in Port-Louis. Additional dams and reservoirs will be built to increase the present potable water production of 78,000 m^3/day to 128,000 m^3/day.

Right to health

92. Mauritius being a welfare State, medical care is free for everyone and the right to health care is guaranteed for everybody without any discrimination. As at end 2017, there were 5 regional hospitals and three district hospitals. There is also a psychiatric hospital and 3 other specialized hospitals for chest diseases, eye diseases, ENT diseases and two Cardiac Centres. The total number of beds in Government health institutions was 3,874 at the end of 2017. In the private sector, there were at the end of 2017, 17 private health institutions which were providing in-patient care with a total of 664 beds.

93. In addition, the Primary Health Care system (PHC) comprises of a network of 21 Area Health Centres (AHCs), 130 Community Health Centres (CHCs), 5 Medi-Clinics (MC), 2 Community Hospitals (CH) and other satellite PHC institutions to provide health promotion, health education, family planning, immunisation, diagnostic, treatment and referral services. The Master Plan on Primary Health Care is being implemented to further reinforce the delivery of services and consolidate universal access.

94. The right to health to everyone is provided for in different legislations as follows:

(a) The welfare of mental patients is governed by the Mental Health Act, which serves as guidelines for the management, security and welfare of patients;

(b) The Trust Fund provided for under the Specialised Medical Care Act caters for the operation of a Specialised Medical Care Centre and the management of other institutions for the provision of high-tech medical care;

(c) The HIV and AIDS Act protects the rights and privileges of people living with HIV and those affected by the disease **(Recommendations 67, 96, 97)**. One of the objects of the Act is to respond to the HIV and AIDS epidemic through enhanced HIV prevention programmes and national mechanisms for HIV testing and counseling (HTC). It also safeguards a wide range of protection to key affected populations and ensures that stigma and discrimination do not hinder accessibility to health care services and needle exchange programme **(Recommendation 68)**. The National AIDS Secretariat developed an ACTION PLAN for HIV/AIDS 2018-2022 which is aligned to the UNAIDS vision of ending HIV transmission by 2030, and achieving the 90-90-90 treatment goals **(Recommendation 96)**;

(d) Under the Dangerous Chemicals Control Act, the Dangerous Chemicals Control Board has the task of, inter alia, ensuring the effective control of dangerous chemicals;

(e) The Food Act regulates, inter alia, the determination of fitness of food, its preparation, packaging, storing, conveyance, distribution, as well as sale; and

(f) To address the growing concern of excessive use of pesticides in agricultural produce which may have an adverse effect on health, Government has recently introduced the Use of Pesticides Bill in the National Assembly.

95. Mauritius has made significant progress in enhancing child health. Since 1990, infant mortality rate per thousand live births and under-five mortality rate declined by almost by 33%. Immunization coverage rate has reached nearly 97% through the Expanded Programme of Immunization (EPI). Maternal Child Health (MCH) services, including ante-natal care and postnatal care have been strengthened through the inclusion of Gynecologist sessions in Area Health Centres for ante-natal care with echography facilities.

96. Sexual and reproductive health services are available in all hospitals and health care centres and are fully accessible to any citizen, free of cost. Moreover, section 235 of the Criminal Code has been amended in order to allow medical termination of pregnancy in specified cases. Sexual education is already integrated in the curricular materials at secondary levels and in the school programmes **(Recommendation 95)**.

97. With regard to the increase of Cancer patients in Mauritius, Government is updating the existing Cancer Action Plan whilst also envisaging the setting up of the National Cancer Agency. There is equally a new Cancer Centre Project being implemented, and the Centre will be one of Excellence for Cancer Care and Research with high technology State of the Art equipment.

98. Drug abuse is a matter of concern in Mauritius. Several initiatives have already been taken by the Customs Department to prevent the illicit entry of drugs in the country, among others, the creation of an Anti-Narcotic Unit, the recruitment of 83 officers which include customs officers and psychologists who could be able to identify drug dealers through their body language, and the purchase of a Fast Interceptor Boat in January 2016.

99. In November 2015, a National Drug Observatory (NDO) was set up to monitor illicit drug use, drug abuse and drug trafficking in Mauritius with the objective to provide evidence-based information for an appropriate response to drug problems in the country. The first report of the NDO which was released in August 2016 has indicated that since October 2013, there has been an emergence of the use of new synthetic cannabinoids to which Government promptly reacted by making Regulations in 2015 to capture these new psychoactive substances. There are ongoing extensive anti-drug campaigns throughout the island targeting the youth, workforce and the community at large, as follows:

- A National Prevention Programme started in April 2016 for Nursing Officers and Health Care Assistants;
- Prevention activities in 159 educational institutions reaching 33,693 students;
- 493 sessions in community centres whereby 17,277 members of the community have participated; and
- 235 sessions in workplace reaching out 6,870 participants.

100. Government has come up with a National Drug Control Masterplan (NDCMP) 2018-2022, which has been worked out with the collaboration of United Nations Office on Drugs and Crime, to address drug control comprehensively.

The right to education

101. With the "Zone d'Education Prioritaire" Project and the Supplementary School Feeding Programme whereby bread/butter/cheese, a fruit and water is offered daily to all pupils of ZEP schools, the pupil's rate of absenteeism decreased from 15.7% in 2007 to 9.3% in 2014. Attendance rate was more than 90% in 24 schools during 2014. In 2017, attendance was 90.3%.

Special Education Needs (SEN)

102. The Education and Human Resources Strategy Plan 2008-2020 sets the framework to ensure that, by 2020, all children requiring SEN in Mauritius enjoy access to relevant and high quality SEN education with the objective of enabling the effective inclusion and integration of all children with visual, hearing, autism and intellectual /mental handicaps within the education system **(Recommendation 108)**.

103. In March 2016, there were 66 registered SEN schools in the Republic of Mauritius catering for children with physical problems relating to visual, learning, hearing and intellectual (slow learning) and autism. Thirteen of these schools are run by Government and the rest by NGOs. As at end 2016, the number of students enrolled in these schools has steadily increased as shown in Table below **(Recommendation 98)**.

Enrolment in SEN schools (2013–2016)

Year	*2013*	*2014*	*2015*	*2016*
No. students	2,008 (63% boys)	2,291 (63% boys)	2,301 (64% boys)	2,515 (64% boys)
% Increase (compared to year 2011)	8%	24%	24%	26%

Source: Ministry of Education and Human Resources, Tertiary Education & Scientific Research.

104. The National Empowerment Foundation is providing educational support in the form of school bags, uniforms, shoes, notebooks, socks and stationery to pre-primary, primary, secondary, vocational and tertiary students. Some 17,000 students have benefitted in 2018. **(Recommendation 45)**

Rights of women

105. In line with the provisions of the ILO Convention No. 100 and Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), section 20 of the Employment Rights Act was amended in June 2013 to read as follows **(Recommendations 17, 56, 60 and 133)**:

(a) Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing **work of equal value**; and

(b) Where an employer has recourse to the services of a job contractor, the latter shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing **work of equal value**.

106. Section 30 of the Employment Rights Act provides that a female worker is entitled to 14 weeks maternity leave on full pay.

107. Adult Literacy Programme is carried out by the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) in Women's Association and Women Centres. Furthermore, the National Women Centre has also included a component on the "Kreol Morisien" since January 2015, and aims at empowering women with the basic skills to write and read in Creole language **(Recommendation 103)**.

Participation of women in politics

108. Mauritius is also committed to an increased participation of women in the political arena. Mauritius had her first female speaker of the National Assembly in December 2014 and her first female President in June 2015 as well as her first female Vice-Prime Minister in 2018. There has been a marked increase in the number of women participating in the last national elections in 2014 whereby out of 726 candidates, 127 were women as compared to 58 in 2010 as shown in Table below.

	2010		2014	
Candidates	*Number*	*%*	*Number*	*%*
Men	471	89.0	599	82.5
Women	58	11.0	127	17.5
Total	**529**	**100.0**	**726**	**100.0**

Source: Electoral Commissioner's Office

109. The Local Government Act was amended in 2015 to provide for every group presenting more than 2 candidates at an election of a Municipal City Council or Municipal Town Council to ensure that not more than two thirds of the group's candidates for election to that Council are of the same sex.

110. Out of the 70 Members of the National Assembly, eight (8) are women (i.e. 11.4%) from which three (3) are Ministers. Moreover, one woman Member of Parliament from the Opposition has been assigned the responsibilities of Chairperson of the Public Accounts Committee in March 2017.

111. Noticeable progress has been observed in the representation of women holding senior positions in the Public Service. Government appointed a woman as Deputy Commissioner of Prison in 2014. Other figures, as at November 2017, are as follows:

Position	*%*
Senior Chief Executive	50.0
Permanent Secretaries	38.9
Deputy Permanent Secretaries	48.1
Assistant Permanent Secretaries	60.7
Judges	50.0
Magistrates	70.0

112. There has been a significant increase in the recruitment of women in the diplomatic service in recent years as follows:

Intake	*Men*	*Women*	*Total*	*%*
2008	8	4	12	33.3
2013	4	4	8	50.0
2016	7	9	16	56.25

113. Government has launched a new "Code of Corporate Governance" in 2017, which, inter alia, makes provision for greater representation of gender on the Board of Directors.

Protection against domestic violence

114. The Protection from Domestic Violence Act was amended in 2016 with a view to reinforce the protective services of victims of domestic violence by:

(a) Increasing the powers of Enforcement Officers;

(b) Widening the definition of the term 'domestic violence'; to include, inter alia, the wilful infliction or attempted infliction of injury, intimidation, forcible engagement in an act from which the spouse had a right to refrain and withholding of resources;

(c) Providing that a person who does an act of domestic violence against his spouse, a child of his spouse or another person, living under the same roof shall commit an offence; and

(d) Empowering a police officer not below the rank of Assistant Superintendent to arrest a person, where, following an act of domestic violence, physical injury has ensued.

115. In addition, steps had been taken to reduce domestic violence through counselling and assistance for victims and nationwide awareness campaigns. The eradication of domestic violence is a long-term undertaking **(Recommendation 69)**.

116. 1,626 new cases of domestic violence were reported to the Family Support Bureaux of the MGECDFW in 2015, out of which 174 concerned men and 1,452 women. From January to December 2016, the number of new cases reported was 2,077 out of which 225 concerned men and 1,852 concerned women **(Recommendation 70)**.

117. The Office of the DPP has carried out various training sessions with law enforcement officers pursuant to the abovementioned amendment to the Protection from Domestic Violence Act, to ensure efficient enforcement and prosecution under the legislation.

118. Domestic Violence Information System (DOVIS) is a computerized system used to monitor, assess and generate reports on cases of reported domestic violence. It was launched in 2016 and has improved record keeping for faster answers to queries regarding domestic violence issues.

119. Religious and Social Organizations (RESO)-Impact was launched in May 2018 to sensitize and motivate more people to address the problem of gender-based violence and promote family well-being through religious bodies and socio-cultural groups.

120. A study on Intimate Partner Violence (IPV) to assess the prevalence, causes, consequences and cost of IPV on the economy was conducted in 2016. An action plan on IPV is being finalized.

121. The Men As Caring Partners Project, launched in October 2017, addresses stereotyping, aims at enhancing their understanding of gender equality, ensuring effective participation of men in family well being, promoting equal opportunities in development process and ensuring men become caring partners.

Rights of children

122. The Child Protection Act provides for the protection against child trafficking. Section14(1) of the Act provides that any person shall commit an offence if he causes, incites or allow any child: (a) to be sexually abused by him or by another person; (b) to have access to a brothel; and (c) to engage in prostitution.

123. A Child Perpetrator Support Unit set up in June 2017 caters for the psychological and mental health needs of juvenile offenders. It devises treatment programmes to assist children in conflict with the law, enabling children to develop skills to prevent relapse and reintegrate the society.

124. A Protocol on domestic violence and child abuse is included in Police Manuals. A Protocol of Assistance to Child Victims of Violence and Collaboration between the Police and the MGECDFW was signed on 8 June 2015 **(Recommendation 70)**.

125. A Residential Drop-in-Centre operational since May 2016 caters for the rehabilitative needs of children victims of sexual abuse and commercial sexual exploitation including child trafficking.

126. The "Back to Home Project" of February 2017 is an initiative to rehabilitate parents and establish a new beginning through mediation and counselling in order to reintegrate children back in their family settings.

127. Police Officers refer children who have been abused to the Child Development Unit for psychotherapy and placement to shelters. In addition, the Police has a 24-hour hotline service, and Operations Room at divisional or at Line Barracks is open on a 24 hour basis.

128. Corporal punishment is prohibited in schools by virtue of regulation 13(4) of the Education Regulations, Section 13(1) of the Child Protection Act and Section 230 of the Criminal Code. The Children's Bill, which is currently under preparation, proposes to specifically prohibit corporal punishment in all settings in order to be in line with the

international norms set out in the Convention on the Rights of the Child (**Recommendation 18 to 21, 143 and 149**).

129. The Police Family Protection Unit (PFPU) has the special mandate to provide services such as counseling/intervention for domestic violence, child abuse, elderly abuse, family conflict, conflict among neighbours. Awareness/sensitisation campaigns have been conducted as follows.

Campaigns of Brigade Pour la Protection des Mineurs for the year 2013-2017

Year	*No. of sessions*	*No. of attendees (minors adults)*
2013	390	28,558
2014	337	25,071
2015	436	32,744
2016	440	33,452
2017	356	44,327
Total	**1,959**	**164,152**

Statistics from the Mauritius Police Force

130. With a view to better sensitizing the community on the dangers of drugs and commercial sexual exploitation of children, the Anti Drug and Smuggling Unit (ADSU) has intensified its awareness campaign in collaboration with the community, schools and other NGOs (**Recommendation 22**). The number of sessions held and the number of persons reached are as follows.

Year	*No. of sessions held*	*No. of persons sensitised*
2013	53	4,800
2014	69	26,620
2015	106	24,649

131. The Office of the DPP has established a special Unit (Child Victim and Witness Support Unit) to act as a liaison body between the investigation phase of the enquiry made by the police, the advice stage and the lodging of cases in Court, especially in cases involving children. As such, a fast track procedure has been put in place to ensure that advice in such cases are tendered expeditiously. Members of the Unit have carried out several workshops with the police to discuss on the vulnerability of witnesses and victims in sexual abuse cases as well as domestic violence cases.

132. Furthermore, a fast track procedure has been set up for all Court cases involving children, victims and juveniles, whereby the Magistrates ensure that the cases are in shape, that Counsel disclose all requested documents and issues well before the date the child is due to appear before Court.

133. The Employment Rights Act makes provision for a child below the age of 16 not to enter into an employment contract, and for an employer not to keep on employment a young person where the work is of such a nature, or the circumstances in which it is carried out, is likely to jeopardise the health, safety, physical, mental, moral or social development of the young person.

134. Other instruments catering for the protection of the child are the Child Protection Services, Alternative Care System/Residential Care Institutions, Foster Care Programme, Child Protection Register, High Powered "Working Together" Committee, Tardy Declaration of Birth, Child Mentoring Programme (CMP) and Early Childhood Development Programme-Monitoring of Child Day Care Centres. Additional details are at **Annex 2**.

135. In 2016–2017, the Ombudsperson for Children's Office investigated into 346 new cases of violation of the rights of children. It sensitized some 5,000 children and some 6,000 adults on the rights of children and related issues such as children in conflict with the

law, bullying, child poverty and child sexual abuse among others. The Office carries out 2 visits per year to Rodrigues.

136. Regular visits are also carried in the Residential Care Institutions, the Rehabilitation Youth Centres and the Correctional Youth Centres to assess whether the rights of the residents in these institutions are being respected.

137. A pamphlet of the Articles of the Convention on the Rights of the Child in English and Creole was launched on the Day of the African Child in June 2016. The aim is to raise awareness of children and parents on their rights (**Recommendation 64**).

138. The Police, in collaboration with the social workers of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, and the Child Development Unit of the MGECDFW ensure that children who drop out of school are redirected back to the education system.

Rights of persons with disabilities

139. Government has adopted a rights-based approach to the issue of disability as follows:

(a) Persons with disabilities benefit from free transport;

(b) Government has adopted a policy of inclusive education and a number of facilities are being provided to enhance educational opportunities for persons with disabilities:

(i) Refund of bus fare for accompanying parents;

(ii) Scholarship scheme to pursue secondary and tertiary studies; and

(iii) Refund of taxi fare to students with disabilities attending university and who cannot travel by ordinary means of transport;

(c) The Equal Opportunities Act prohibits discrimination on the basis of disability;

(d) The Building Control Act provides for enhanced accessibility to public infrastructure by disabled persons (**Recommendation 26**);

(e) Voting procedures have been made disabled-friendly (for example a disabled person can vote through a companion or poll clerk can help him/her) to enable persons with disabilities to participate in public affairs and governance (**Recommendation 106**);

(f) A Forum of Women with Disabilities has been set up to lobby for the Rights of Women with Disabilities to equal opportunities in all spheres of life;

(g) A Special School of Performing Arts has been set up to develop the talents of persons with disabilities;

(h) Athletes with disabilities are provided with facilities to participate in competition at both local and international levels;

(i) Free parking coupons and dedicated parking space are provided for persons with severe mobility problems;

(j) Special loan scheme are granted at preferential rate for persons with disabilities from Employees Welfare Fund since 2014 for the purchase of assistive devices;

(k) Duty free facilities (85%) are provided to persons with disabilities for the purchase of adapted cars;

(l) Respite care programme exist for the benefits of persons with disabilities as well as hydrotherapy sessions;

(m) Secondary school students have a monthly stipend of Rs 500. Around 150 students with disabilities are currently benefiting from this scheme;

(n) Subsidised passport fee of Rs 400 instead of Rs 700;

(o) Physiotherapy and occupational therapy sessions;

(p) Children below 15 years of age, with disabilities, are also benefiting from Invalid's Basic Pension (BIP) as from July 2016. More than 3,300 children are in receipt of Rs 5,810 monthly; and

(q) The Child Protection Act, the Domestic Violence Act and the Family Protection Act also cover persons with disabilities. Moreover, an employer with 35 or more workers has to ensure that he employs 3% of the workforce with persons with disabilities (**Recommendation 26**).

140. 19 Braille Displays were distributed to blind students and 2 to blind students in Rodrigues to help improve the accessibility of computers for the blind and vision-impaired people. The specificity of the Braille displays is that it converts text into a tactile seamless line of 40 Braille characters.

141. A Disability Bill is being prepared to prohibit discrimination and provide further protection to persons with disabilities.

142. The Constitution of Mauritius was published in braille in 2018 and is available in public libraries and it was made available to NGOs.

Rights of elderly persons

Protection of elderly persons

143. Government provides for the protection and welfare of the elderly and disabled persons such as (**Recommendations 107, 110**):

(a) Free Public Transport, Carer's Allowance, Rent Allowance to eligible elderly persons living alone and in receipt of Social Aid, Grant for the purchase of medicine to centenarians, Anti-influenza Vaccination, Free issue of assistive devices such as wheelchairs, hearing aids and spectacles;

(b) The basic pension to the old, widows, orphans and person with disabilities was increased by around 40 percent in December 2014. Basic Retirement Pension (BRP) is payable to the elderly aged 60 years and above on universal basis;

(c) In view of the ageing population and the increasing demand for carers, the Ministry has trained formal carers;

(d) The Senior Citizens Council organises a host of activities during the year and also provides a grant to Senior Citizens Associations in Mauritius and Rodrigues;

(e) A network of 20 Elderly Watch in Mauritius and 4 in Rodrigues, an Elderly Persons Protection Unit, a Monitoring Committee and hotlines (172) and (199) have been set up to ensure the protection of the elderly (**Recommendation 46**);

(f) 20 Elderly Day Care Centres and 24 Health Clubs have been set up where educational, adult literacy, IT Literacy, Handicrafts and Embroidery classes, proper cooking methods and health programmes are organized (**Recommendation 103**);

(g) There are 3 recreational centres and a 4th one is under construction at Riambel;

(h) The Protection of Elderly Persons Act was amended to enhance the level of protection and of security to the elderly;

(i) Free domiciliary Medical Visits to all persons aged 90 and above and to bedridden or severely disabled persons aged 75 and above (**Recommendation 109**);

(j) An "observatory" on ageing was set up to carry out action-oriented research on the socio-economic aspects of ageing and submitted its report in 2014.

144. Government has set up a Special Support Care service to Elderly people with disabilities and those living alone as part of its strategy to provide a "service de proximite" to them.

Rights of migrants

145. Article 13 of the Code Civil Mauricien provides as follows-"L'étranger jouira à Maurice des mêmes droits civils que ceux qui sont ou seront accordés aux Mauriciens par les traités de la nation à laquelle cet étranger appartiendra."

146. A pamphlet entitled 'Know Your Rights' will soon be issued in different languages to inform foreign workers of their rights. The said pamphlet will be distributed at various points such as the immigration counters, the place of work etc.

Refugees/Asylum seekers

147. Although Mauritius has not yet signed the Convention, it has always extended necessary assistance to those who apply for asylum through the United Nations High Commissioner for Refugees. (**Recommendation 128**)

Right to housing

Social Housing Policy of the Government

148. The Ministry of Housing and Lands has among its objectives, a National Housing Programme for period 2015–2019. This includes the construction of 10,000 concrete housing units of 50m^2 each for households earning less than Rs 20,000 monthly. The housing units are meant for beneficiaries of the National Housing Development Corporation, with subsidy from Government as follows.

Family Income (Rs)	*Purchase price of the housing unit*	*Government subsidy*
≤10000	1/3 of the construction cost	2/3 of the construction cost
10 001–15 000	1/2 of the construction cost	1/2 of the construction cost
15 001–20 000	4/5 of the construction cost	1/5 of the construction cost

Financial assistance for roof slabs and purchase of building materials

149. Government also encourages self-help construction of housing units by very low to low income families who already own a plot of land. These families are financially assisted through a grant scheme either for the casting of roof slabs to complete their construction or for the purchase of building materials to start their construction. As at April 2018, some 56,674 families have benefited from that scheme and Government has spent some Rs 2.41 Billion.

Human rights awareness, training and sensitization

150. Human rights education has been introduced at primary, secondary and tertiary level (**Recommendations 37 and 38**). At tertiary level, Human Rights Education already forms part of the curriculum of LLB courses at the University of Mauritius (**Recommendations 35, 36**).

151. Human Rights awareness, training and sensitization **(Recommendations 30–34)** have also become part of our culture for human rights in Mauritius. They are at done at different levels:

- Training to law enforcement officials;

- The legal professional;
- Students;
- Civil servants.

152. Details of Awareness campaigns are at **Annex 3.**

V. Achievements, best practices, challenges and constraints

153. Since September 2017, Mauritius has a Ministry dedicated to human rights issues and under the said Ministry, a National Mechanism for Reporting and Follow Up has been set up.

154. The Citizen Support Portal (CSP), an initiative of the Prime Minister's Office, was launched in April 2017 with a view to better address complaints of citizens. In line with government's philosophy to move to a digital society, through the CSP, citizens can register their query/ complaint on a database and track their query/ complain at any point in time.

155. As already stated above, the law now provides for the payment of a monthly national minimum wage.

156. With a view to promoting teaching of the mother tongue, the Kreol Morisien was introduced with school children at primary level as an optional subject. **(Recommendations 104 and 105).**

157. Government has set up the Independent Police Complaints Commission, separate from the National Human Rights Commission in 2018. The purpose of this initiative is to expedite the determination of complaints concerning police brutality **(Recommendations 85 and 86).**

158. The National Preventive Mechanism Division of the National Human Rights Commission has conducted a number of training sessions on the Convention for prison personnel since 2014. Training on the Istanbul Protocol had been provided to law enforcement officials. Medical staff shall also soon benefit from such training.

159. The proceedings of the National Assembly are broadcast live since 2017.

Challenges

160. **Government proposes to introduce a Police and Criminal Evidence Bill.** Provisions are being made therein for Codes of practice to be observed by Police Officers. It relates to investigation, powers of arrest and stop and search **(Recommendation 144).** The implementation of such a law, bringing revolutionary changes to criminal procedure, will be a challenge.

VI. Key national priorities, initiatives and commitments

161. The Government is committed to fight against corruption. Government has issued since 2016, an anti-corruption policy aiming at the deterrence and detection of corruption and adherence to a culture of integrity.

162. The **Disability Bill** is being finalized to encompass issues related to Disability, including employment. This Bill will also domesticate the provisions of the Convention on the Rights of Persons with Disabilities. Necessary procedures will be initiated to amend section 3 and 16 of the Constitution to prohibit discrimination on the basis of disability and to provide further protection to persons with disabilities.

163. The Gender Equality Bill is under preparation and it aims at providing further protection against gender-based discriminatory practices. The Adoption Bill is also being worked out to regulate domestic adoption in Mauritius and intercountry adoptions involving Mauritian citizens.

164. Government is conscious of the increase in the number of cancer patients and is fully committed to take appropriate measures in the Health sector.

165. Guaranteeing security, law, order and the fight against dangerous drugs are amongst the main priorities of the Government.

166. Although marital rape is not a specific offence in the Criminal Code, the act of rape against a spouse is covered under the existing offence of rape under section 249. It is also covered under the Protection from Domestic Violence Act per the amendments brought to the Act in 2016. Consideration is being given to the possibility of establishing the specific offence of marital rape as part of a forthcoming review of the legal framework governing sexual crimes.

167. A draft Children's Bill is currently being finalized (**Recommendations 18, 19, 20, 21, 23 and 111**). The Bill seeks, inter alia, providing better care and protection to children, promoting the development and welfare of children and setting up structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children.

168. Government is presently reviewing the media landscape with the objective of reforming the media law. The aim, being that an appropriate media framework be put into place by reviewing, updating and incorporating the latest developments and trends in media for the benefit of both Government and the public (**Recommendation 148**).

169. Government has agreed to the implementation of the second phase of the e-Prisons project which will comprise of the following four new modules:

(a) Prison staff management system;

(b) Duty management information system;

(c) Baby management information system; and

(d) Prison training information system.

170. Government is setting up an Integrated Support Services Against Domestic Violence to provide an effective communication means to respond to victims. It aims at providing timely support and counseling to victims and will be operational end 2018.

171. Government will make extensive use of information technology to improve service delivery, access to information for the benefit of Mauritian citizens and help move towards a fully-fledged digital society. A series of applications will be launched; for instance, the Smart Apps Platform project, a Family Welfare Mobile service and National Open Data Portal of Mauritius.

172. Government has set up a website comprising of text enlargement and colour blind features where necessary information relative to Education, Training and Employment, Legislations and Rights and services provided by the Disability Unit are disseminated.

VII. Capacity building and technical assistance

173. The personnel of different Ministries require the appropriate training and expertise to better understand human rights aspects and to deal with it in a more appropriate manner. The requirements for each Stakeholder are different. Training and technical assistance from the Human Rights Council is welcome especially on burning issues like human rights of vulnerable groups, the human rights perspective to emerging issues like fake news, fake profiles, and abuse of social media inter alia.

VIII. Conclusion

174. Mauritius is fully committed to the protection and promotion of Human Rights at the domestic, regional and international levels and shall endeavor to maintain and improve its Human Rights situation. In this regard, Mauritius is fully committed to the UPR process and welcomes any assistance, which will help in the development and promotion of Human

Rights in the country. The newly set up Ministry of Justice, Human Rights and Institutional Reforms will spare no efforts to promote and nurture a culture of Human Rights within the Republic. In the same vein, the Ministry through the NMRF will ensure that due consideration will be given to the Recommendations that will be made after our review in November 2018.

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Compilation on Mauritius

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures, as well as other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. In 2015, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities recommended that Mauritius ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure[3] and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.[4] In 2017, the Human Rights Committee urged Mauritius to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[5] The Committee against Torture invited Mauritius to ratify the core United Nations human rights treaties to which it was not yet party and recommended making the declarations under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.[6]

3. The Committee on the Rights of the Child recommended ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[7]

4. The Independent Expert on the enjoyment of all human rights by older persons (Independent Expert on older persons) pointed out that Mauritius had not ratified, among others, the Convention on the Prevention and Punishment of the Crime of Genocide.[8] The Committee on the Rights of Persons with Disabilities recommended acceding to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind,

Visually Impaired, or Otherwise Print Disabled and withdrawing all its reservations to the Convention.[9]

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Mauritius accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.[10] UNHCR also recommended that Mauritius ratify the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.[11] It further recommended that Mauritius accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness, as this would establish a framework to protect stateless persons or persons at risk of statelessness.[12] The Committee on the Rights of the Child recommended that Mauritius ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.[13]

6. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that Mauritius had issued a standing invitation to special procedure mandate holders.[14] The Committee on the Rights of the Child urged Mauritius to fulfil its reporting obligations under the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.[15] The Committee against Torture invited Mauritius to make public the report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on its 2007 visit.[16] The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Mauritius be encouraged to continue to submit State reports for the periodic consultations on its education-related standard-setting instruments.[17]

7. Mauritius contributed once during the previous funding cycle (in 2016) to OHCHR.[18]

III. National human rights framework[19]

8. The Independent Expert on older persons considered it essential that Mauritius incorporate the human rights treaties to which it is party into its national legislation, so that individuals could directly invoke them before national courts. She recommended that Mauritius popularize and make publicly available international human rights law, principles and standards and relevant domestic legislation.[20]

9. While welcoming the 2012 Protection of Human Rights (Amendment) Act, broadening and strengthening the mandate of the National Human Rights Commission, the Human Rights Committee was concerned that the selection and appointment of its members was not sufficiently transparent and participative, and about the lack of sufficient staff.[21] The Committee against Torture urged Mauritius to guarantee the independence of its members, while referring to the principles relating to the status of national institutions for the promotion and protection of human rights.[22] The Independent Expert on older persons stated that the mandate of the National Human Rights Commission was limited in scope, as it did not deal with complaints relating to economic, social and cultural rights.[23]

10. While welcoming the commitment of Mauritius to strengthening the Office of the Ombudsperson for Children, the Committee on the Rights of the Child recommended providing it with adequate resources to enable it to carry out its mandate effectively.[24]

11. While welcoming the 2012 National Preventive Mechanism Act and the operationalization of the National Preventive Mechanism Division of the National Human Rights Commission since June 2014, the Committee against Torture expressed concern that the independence of the National Preventive Mechanism Division of the Independent Police Complaints Commission was not guaranteed under current legislation.[25]

12. The Committee against Torture welcomed the National Human Rights Action Plan 2012–2020[26] and the Committee on the Rights of the Child welcomed the establishment of the Human Rights Monitoring Committee in 2013 to ensure the implementation of the Action Plan.[27] OHCHR reported that a Standing Technical Interministerial Committee for

reporting and follow-up on international and regional human rights conventions had been established in Mauritius.[28]

13. The Human Rights Committee welcomed the 2013 Police Complaints Act and the 2013 amendments to the Criminal Appeal Act.[29] The Committee against Torture welcomed the Independent Police Complaints Commission Act and the Protection from Domestic Violence (Amendment) Act, both of 2016, and the 2012 Criminal Code (Amendment).[30] The Human Rights Committee welcomed the 2012 Legal Aid and Legal Assistance Act[31] and, jointly with the Committee on the Rights of the Child, welcomed the 2012 Equal Opportunities Act.[32] The Committee against Torture welcomed the political commitment of Mauritius to legal, policy and institutional reforms set out in the programme of the Government for the period 2015–2019.[33]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[34]

14. Referring to existing patterns of discrimination, marginalization and social exclusion, the Independent Expert on older persons recommended that the Government 7264continue to address those prevalent patterns, which were perpetuated in old age. Certain communities and ethnic groups, such as the Creoles, remained significantly disadvantaged in the enjoyment of economic, social and cultural rights, in spite of the implementation of a range of measures. She emphasized that while the caste system was not recognized by law, hierarchical structures along caste and racial lines persisted and she encouraged the Government to take affirmative action in favour of all marginalized groups.[35]

15. The ILO Committee of Experts on the Application of Conventions and Recommendations requested the Government to harmonize the prohibited grounds of discrimination enumerated in the Equal Opportunities Act with those of the Employment Rights Act so as to ensure consistency in its non-discrimination and equality legislation. It urged Mauritius to address without delay discrimination based on race, colour, ethnic and social origin, and occupational stereotyping in the labour market.[36] The Committee also encouraged the Government to undertake studies on different groups in the labour market, in particular members of the Malaise Creole community and migrant workers, with a view to effectively eliminating any discrimination against them.[37]

16. The Committee on the Rights of the Child stressed that discrimination persisted, particularly for children from disadvantaged and marginalized families, recommending that Mauritius prohibit direct and indirect discrimination in a children's act and put in place policies and mechanisms to eliminate discrimination.[38]

17. The Human Rights Committee was concerned about hate speech and violence, including death threats, against lesbian gay, bisexual and transgender persons. It urged Mauritius to protect them from all forms of discrimination based on sexual orientation and gender identity, by including hate speech and violence as grounds of discrimination in all relevant legislation; repeal article 250 of the Criminal Code, criminalizing "sodomy" and "bestiality"; and investigate all complaints of violence arising from discrimination against lesbian gay, bisexual and transgender persons and prosecute those responsible.[39]

18. The Independent Expert on older persons hoped that adequate measures would be taken to publicize and implement the new policy on ageing for the period 2014–2024.[40] The Human Rights Committee urged Mauritius to adopt the national strategy paper and action plan on ageing with sufficient resources for its effective implementation.[41] The Independent Expert stressed that substituted decision-making should be replaced by supported decision-making in the exercise of legal capacity.[42]

2. Development, the environment, and business and human rights[43]

19. The Secretary-General commended Mauritius for its Vision 2030 approach to inclusive growth, harnessing the power of the blue economy and advancing sustainable development.[44]

20. The Committee on the Rights of the Child recommended that Mauritius take into account the vulnerabilities, needs and views of children in developing policies or programmes on issues related to climate change and disaster risk management.[45]

21. The Independent Expert on older persons stated that climate change could result in significant internal migration/relocation linked to its impact on some economic sectors. That impact needed to be addressed and mitigated, while alternative livelihood or resettlement options needed to be provided over time and gradually.[46]

3. Human rights and counter-terrorism[47]

22. Concerned by the Prevention of Terrorism Act, the Human Rights Committee urged that legislation on terrorism be in full compliance with article 9 of the Covenant and that all legal guarantees against arbitrariness and abusiveness be available to persons arrested and detained.[48]

B. Civil and political rights

1. Right to life, liberty and security of person[49]

23. The Committee against Torture was concerned at reports of torture and ill-treatment by law enforcement officials, leading on some occasions to death.[50] The Human Rights Committee was particularly concerned about ill-treatment by the security forces of persons deprived of their liberty.[51] The Committee against Torture urged Mauritius to promptly and thoroughly investigate all complaints of torture and ill-treatment, and prosecute the alleged perpetrators; ensure that the new Independent Police Complaints Commission had the capacity to carry out inquiries into such complaints and the mandate to issue recommendations on corrective measures; and put in place legal provisions and procedures to enable victims to enjoy their right to adequate and appropriate redress.[52] It also stressed that Mauritius should ensure accountability for acts of torture.[53]

24. The Committee against Torture noted the absence in the legislation of an absolute prohibition of torture, urging Mauritius to introduce a statutory provision in that regard and bring its laws into line with the absolute ban. It also urged that acts of torture carry appropriate penalties.[54]

25. The Human Rights Committee was concerned about poor conditions of detention in prisons.[55] The Committee against Torture was concerned about poor hygiene and inadequate access to food and water and urged that material conditions in prisons be improved.[56] The Human Rights Committee also urged that remand detainees be separated from those serving a prison sentence, measures be taken to prevent suicide by detainees and alternatives to detention applied.[57]

26. The Independent Expert on older persons considered that provisions included in the Protection of Elderly Persons Act 2005 did not capture the full range of violence against older persons and therefore did not allow proper detection of such violations. She highlighted the need to legislate or amend existing legislation to protect older persons from abuse and to adopt policies to prevent violence and abuse. She recommended an awareness-raising strategy regarding abuse and violence against older persons, complemented by mandatory, specialized training seminars for, inter alia, judges, lawyers and other members of the judiciary.[58]

2. Administration of justice, including impunity, and the rule of law[59]

27. The Committee against Torture was concerned at the number of arrests made without reasonable suspicion of the commission of an offence, resulting in an increased use of pretrial detention, and at the slowness of judicial procedures.[60] The Human Rights

Committee was also concerned about the large number of persons in pretrial detention, particularly for drug-related cases.[61] The Committee against Torture urged that safeguards for the full justification of arrests and detentions be specified, alternative and non-custodial measures promoted and delays in criminal proceedings reduced.[62]

28. The Committee against Torture was concerned about the overreliance of the police on confessions for investigation and prosecution purposes, and about the reported extraction of confessions under duress. It urged Mauritius to improve investigation methods using scientifically based evidence; invalidate as evidence statements obtained through torture or cruel, inhuman or degrading treatment; investigate the reported extraction of confessions allegedly obtained under duress; and prosecute perpetrators.[63]

29. While noting the intention to abolish the provisional charges system, the Human Rights Committee was concerned that the system under which a person might be detained upon suspicion of commission of a serious offence might result in abusiveness and arbitrariness. It urged that the rule of provisional charge be removed, articles 5 (1) (k) and 4 of the Constitution amended and the new bill on criminal evidence, aligning it with the Covenant, adopted.[64]

3. Fundamental freedoms and the right to participate in public and political life[65]

30. UNESCO stated that the Constitution guaranteed freedom of expression but no freedom of information law had been adopted and defamation was criminalized under article 288 of the Criminal Code Act. It stated that the Government should decriminalize defamation and place it within a civil code that was in accordance with international standards. It also recommended that the Government introduce a freedom of information law that was in accordance with international standards.[66]

31. UNESCO reported that the Information and Communication Technologies Authority was the regulatory and licensing body for matters of communication and information. Regarding freedom of opinion and expression, it pointed out that the nine Board members of the Authority were appointed by the Government and that the Independent Broadcast Authority in charge of regulating the sector was a body composed of members of the Government. UNESCO recommended that the Government assess the appointment system for the broadcast licensing authority to ensure that it was independent.[67]

32. While taking note of a ministerial committee working on reforming the electoral system in the light of its Views in the case of *Narrain et al. v. Mauritius*,[68] the Human Rights Committee was concerned about the lack of fair representation of the various components of the population in public and political affairs. It urged that the new electoral system address political participation and obstacles related to representation.[69]

33. While welcoming the improvement in the representation of women in decision-making bodies at the municipal and village council levels, the Human Rights Committee remained concerned at the low percentage of women in the National Assembly and the Cabinet. It urged Mauritius to improve the representation of women in decision-making bodies at the national level.[70]

4. Prohibition of all forms of slavery[71]

34. The Committee on the Rights of the Child was concerned that Mauritius remained a source, destination and transit country for trafficking in persons, including children.[72] The Human Rights Committee was also concerned about trafficking, including of children and migrants, for sexual and labour exploitation.[73] The Committee against Torture was concerned that perpetrators of trafficking-related crimes had not been prosecuted under the Combating of Trafficking in Persons Act.[74] The Human Rights Committee urged that the Act and other relevant legislation be enforced[75] and the Committee against Torture urged that awareness of the Act be promoted.[76] The Human Rights Committee also urged that complaints from victims be facilitated and that they be protected from reprisals and provided with material, medical and psychological support.[77] The Committee on the Rights of the Child recommended that Mauritius adopt a comprehensive national action plan and develop a coordination mechanism to address trafficking and prosecute traffickers.[78]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[79]

35. The ILO Committee of Experts urged the Government to amend without delay the remuneration regulations concerning the salt, sugar and tea industries in order to remove all remaining gender-specific job appellations and different wage rates for men and women in the same job category, which constituted direct wage discrimination based on sex.[80]

36. The Committee recalled that legal standards on protection against acts of anti-union discrimination were inadequate if they were not accompanied by sufficiently dissuasive sanctions and effective and expeditious procedures to ensure their practical application.[81]

37. The Committee requested that the Government promote and encourage the greater development and utilization of procedures of voluntary negotiation between employers or employers' and workers' organizations to regulate conditions of employment through collective bargaining agreements.[82]

38. The Committee requested that the Government take the necessary measures to ensure that domestic workers, who were particularly vulnerable to discrimination, and workers in enterprises with fewer than 10 full-time employees, enjoyed the same protection against discrimination as all other workers.[83]

2. Right to social security[84]

39. The Independent Expert on older persons expressed concern regarding the long-term sustainability of the pension and social protection systems and encouraged the Government to take measures to reduce the fiscal cost of them, such as decreasing incentives for early retirement and reducing the job categories eligible for early retirement.[85]

3. Right to an adequate standard of living[86]

40. The Independent Expert on older persons asserted that while, overall, only an estimated 8.7 per cent of Mauritians lived in poverty, there were pockets of poverty in some areas.[87] While noting the efforts made towards poverty alleviation, the Committee on the Rights of the Child reiterated its concern about the living conditions of children from disadvantaged and marginalized families. It recommended that Mauritius strengthen measures for fulfilling children's rights in the National Child Protection Strategy.[88]

41. The Independent Expert on older persons stated that Mauritius spent about 50 per cent of its budget on social services. She encouraged the Government to take effective measures to combat poverty in old age and underscored the need to ensure that social housing programmes did not reinforce de facto residential and ethnic segregation of poor and marginalized populations.[89]

4. Right to health[90]

42. While noting that increased human resources were going to the health sector, the Committee on the Rights of the Child was concerned about prevailing maternal malnutrition and inadequate prenatal care. It recommended improving the nutritional status of infants, children and mothers.[91]

43. The Committee on the Rights of the Child recommended improving the follow-up treatment for mothers and their infants infected with HIV, and the access to high-quality, age-appropriate HIV/AIDS, sexual and reproductive health services.[92]

44. The Human Rights Committee urged Mauritius to ensure access to affordable contraceptives and provide quality information and education programmes on sexual and reproductive rights throughout the country.[93]

45. The Human Rights Committee also urged Mauritius to amend its legislation in order to guarantee safe, legal and effective access to abortion, where the life or health of the pregnant woman or girl was at risk and where carrying a pregnancy to term would cause

substantial pain or suffering; and not to apply criminal sanctions against women and girls undergoing abortion or medical service providers assisting them.[94]

46. The Independent Expert on older persons emphasized the need for specific health measures for older people, calling on the Government to ensure the availability and accessibility of such health services.[95]

5. Right to education[96]

47. The Committee on the Rights of the Child was concerned about, inter alia, the inadequate provision of educational materials in Creole, limiting access to education for Creole-speaking children; the limited access to vocational training for children who dropped out of school; and the lack of adequate financial resources for early childhood education. It recommended that Mauritius improve the quality of education and its accessibility; develop and promote high-quality vocational training, particularly in rural areas; and develop and expand early childhood education.[97]

48. UNESCO reported that English and French were used as the media of instruction, whereas most people spoke Creole. It recommended that Mauritius reinforce the inclusive dimension of its educational system, in order to include all learners and children and to ensure that their mother tongue was not an obstacle to their education.[98]

49. UNESCO stated that women and girls continued to face unequal opportunities in technical and vocational education and that Mauritius should be encouraged to foster women's and girls' access to technical and vocational training and should support them to choose fields of education they had not traditionally considered.[99]

50. While acknowledging that there were educational and cultural programmes available for older persons, the Independent Expert on older persons stated that further measures were required to promote lifelong and intergenerational learning.[100]

51. UNESCO encouraged Mauritius to root human rights education more deeply in all curricula.[101]

D. Rights of specific persons or groups

1. Women[102]

52. The Committee on the Elimination of Discrimination against Women inquired about measures taken to change discriminatory stereotypes concerning the roles of women and to address the stereotypical portrayal of women.[103]

53. The Human Rights Committee was concerned about discrimination against women at work in both the public and private sectors, including low-skilled jobs and low wages, very low numbers of women in decision-making positions and the difficulties women victims of discrimination faced in accessing the Equal Opportunity Commission or the Equal Opportunity Tribunal. It urged Mauritius to enforce regulations on equal pay for work of equal value; empower women in higher-skilled jobs and in decision-making positions; and facilitate complaints from women.[104]

54. The ILO Committee of Experts noted that occupational gender segregation continued to be a significant feature of the labour market.[105] It expressed the hope that the National Remuneration Board be provided with the appropriate training in the near future to ensure that appropriate methods free from gender bias were used for job evaluation and wage determination in the private sector.[106]

55. In 2014 and 2017, the Committee on the Elimination of Discrimination against Women requested the repeal of section 16 (4) (c) of the Constitution, which discriminated against women in relation to adoption, marriage, divorce, burial and devolution of property upon death, and that the Constitution be brought into compliance with articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.[107]

56. Despite the various steps taken to end gender-based violence and domestic violence, the Human Rights Committee was concerned about persistent violence against women,

resulting in some instances in death. It was also concerned that marital rape was not criminalized. It urged Mauritius to combat violence against women, by bringing perpetrators to justice, facilitating complaints, protecting women against reprisals or social reprobation and providing them with adequate assistance.[108]

57. The Committee against Torture urged that such violence be addressed by modernizing the criminal legislation, including defining marital rape as a specific criminal offence and abrogating section 242 of the Criminal Code, which excused manslaughter committed against a spouse caught in adultery.[109]

58. The Committee on the Elimination of Discrimination against Women reiterated its concern that the protection envisaged by the 1997 Protection from Domestic Violence Act, and its 2007 and 2011 amendments, might not be providing adequate protection for women, and that many women with protection orders were still subjected to attacks by their spouses. It considered that Mauritius had failed to offer effective protection to women who filed complaints about violence.[110] The Committee on the Rights of Persons with Disabilities highlighted the absence of any provisions concerning women with disabilities in the Protection from Domestic Violence Act.[111]

2. Children[112]

59. While noting the efforts made in terms of child protection, the Committee on the Rights of the Child was concerned about the prevalence of violence against children, including ill-treatment and sexual abuse. It recommended formulating a comprehensive strategy for preventing and combating child abuse, violence and neglect; effectively investigating complaints; and bringing those responsible to justice.[113] The Committee was concerned that corporal punishment was applied as part of the school culture. It urged that legislation, including a children's act, explicitly prohibit corporal punishment in all settings.[114]

60. The Committee was concerned at the increase in the sexual exploitation of children, especially child sex tourism. It recommended that Mauritius establish mechanisms and procedures for reporting and investigating child sexual exploitation and abuse cases; bring to justice those who had sexually abused and exploited children; ensure the recovery and social reintegration of child victims; and address their stigmatization.[115]

61. The Committee was concerned that some children below 18 years of age worked in dangerous conditions, including in agriculture, street vending and domestic service. It recommended the adoption of a strategy to combat child labour, including its worst forms; strengthening the labour inspectorate to detect and sanction child labour; and improving protection and reintegration programmes.[116]

62. The Committee was concerned about children, most of them aged 11 to 16, in street situations. It recommended that Mauritius protect them, offer alternatives to institutionalization and support their long-term educational and developmental needs.[117]

63. Concerned that institutionalization was more used than family-based care, the Committee recommended that Mauritius facilitate family-based care for children and establish a professionalized foster care system for them, while ensuring independent and periodic reviews of foster care and institutions.[118]

64. The Human Rights Committee was concerned, inter alia, about the lack of legal clarity regarding the minimum age of criminal responsibility; the fact that legal aid was not always available to children facing justice; that children were often being tried without legal representatives or guardians; and that under the Juvenile Offenders Act, children considered as being "beyond control" were placed in closed institutions at the request of their parents.[119] The Committee against Torture recommended that in revising the juvenile justice bill and in the draft children's bill, Mauritius establish a statutory minimum age of criminal responsibility and ensure that children in conflict with the law were tried in juvenile courts.[120]

65. The Committee on the Rights of the Child recommended that Mauritius integrate the right of the best interests of the child in all legislative, administrative and judicial proceedings as well as in all policies relevant to children.[121] It further recommended

implementing legislation recognizing the right of the child to be heard in relevant court and administrative proceedings and to bring the juvenile justice system fully into line with relevant standards.[122]

66. The Committee welcomed the National Child Protection Strategy and its action plan in 2014, recommending that both cover all areas under the Convention on the Rights of the Child.[123] It also recommended increasing budgetary allocations for education, health and child protection issues.[124]

67. The Committee encouraged Mauritius to adopt a comprehensive children's act in order to consolidate the legislation covering children's rights and establish an effective coordination body to coordinate all activities relating to the Convention on the Rights of the Child.[125] It also recommended the urgent adoption of the new adoption act and encouraged the establishment of an independent body to facilitate adoption processes.[126]

68. The Committee was concerned about the large number of underage marriages and the fact that the Child Protection Act defined a child as any unmarried person under the age of 18. It urged Mauritius to enforce the minimum age of marriage, set at 18.[127]

69. The Committee recommended accelerating the procedures for and facilitating late birth registration and ensuring access to education for children without birth registration.[128]

3. Persons with disabilities[129]

70. The Committee on the Rights of Persons with Disabilities was concerned about the limited measures taken to combat violence and abuse against persons with disabilities, especially sexual abuse of children with disabilities, including within the family, and about the abuse and neglect of boys and girls placed in some institutions run by non-governmental organizations (NGOs). It urged Mauritius to prevent violence against persons with disabilities, protect them from violence; ensure their effective access to remedies and recovery; and bring perpetrators to justice.[130]

71. The Committee was concerned about the absence of safeguards to prevent the forced treatment of persons with disabilities in hospitals and institutions, especially the forced sterilization of women and girls with disabilities. It recommended prohibiting those practices, in the absence of free and informed consent.[131]

72. The Committee was concerned about the placement of children with disabilities in residential institutions, where they lacked care and psychological support and were sometimes subjected to cruel, inhuman and degrading treatment. It recommended that Mauritius remove children with disabilities from the *centres de sauvegarde* and develop family and community-based alternatives. It also recommended that Mauritius deinstitutionalize persons with disabilities while promoting their autonomy and inclusion.[132]

73. The Committee urged Mauritius to consult with persons with disabilities in the design, implementation and monitoring of the draft disability bill and of the disability strategy and action plan on disability for the period 2015–2020, and in the drafting process of the national risk reduction disaster management bill.[133] It recommended reflecting the human rights model of disability in the Equal Opportunities Act and in the Training and Employment of Disabled Persons Act and eliminating the use of derogatory language. It also recommended including the rights of women and girls into all laws, policies and programmes and protecting them from multiple discrimination and violence.[134]

74. The Independent Expert on older persons asserted that accessibility was an issue of concern in all areas of Mauritius, notably public services, transportation, communication and information.[135] The Committee on the Rights of Persons with Disabilities recommended the adoption of a legally binding accessibility action plan, providing for disability-related and age-appropriate accommodations in all legal proceedings and ensuring that free of charge accessibility measures were available in all courts for persons with disabilities.[136]

75. The Committee recommended that Mauritius abolish guardianship measures in law and in practice, recognize the legal capacity of persons with disabilities on an equal basis with others and introduce supported decision-making mechanisms.[137]

76. UNESCO stated that Mauritius did not effectively provide for an inclusive education for children with disabilities. It should rely less on NGOs to provide specialized services to children with disabilities and train teachers and social workers in schools to take adequate charge of such children, including with an individual follow-up process to ensure their inclusion in mainstream schools.[138]

77. The Committee on the Rights of the Child was concerned that children with disabilities attending schools faced rejection and stigmatization.[139] The Committee on the Rights of Persons with Disabilities mentioned a segregated education system in which many children with disabilities were deprived of education and children with disabilities aged 2 or 3 were enrolled in NGO-run specialized schools, preventing their inclusion in mainstream schools.[140] It recommended that Mauritius create a fully funded and inclusive quality education system.[141] The Committee on the Rights of the Child further recommended giving priority to inclusive education over the placement of children in specialized institutions and classes; assigning specialized teachers and professionals for individual support to children with learning difficulties; and combating stigmatization of and prejudice against children with disabilities.[142]

78. The Committee on the Rights of Persons with Disabilities also recommended, inter alia, covering health, rehabilitation and other disability-related expenses for children with disabilities, providing appropriate and accessible habilitation and rehabilitation services, and protecting persons with disabilities from discrimination in employment.[143]

79. The Committee on the Rights of Persons with Disabilities recommended that Mauritius repeal the discriminatory provisions in the Constitution and the related regulations so that persons with disabilities could enjoy their right to vote and to be elected.[144]

4. Minorities and indigenous peoples[145]

80. In resolution 71/292, the General Assembly requested that the International Court of Justice render an advisory opinion on the legal consequences arising from the separation of the Chagos Archipelago from Mauritius in 1965. It pointed, in particular, to the inability of Mauritius to resettle its nationals, including those of Chagossian origin, on the archipelago.

5. Migrants, refugees, asylum seekers and internally displaced persons[146]

81. The Committee against Torture took note of provisions on the protection of human rights and of the right to appeal an extradition decision within the Extradition Act (2017).[147]

82. UNHCR stated that refugees and persons seeking asylum in Mauritius did not have legal rights beyond what was stipulated under international customary law (for example, the principle of non-refoulement).[148]

83. UNHCR highlighted the need to establish fair and efficient asylum procedures. It also stressed the need for national asylum legislation and a national framework on asylum that was consistent with relevant international standards, ensured prompt access to fair and efficient refugee status determination procedures and provided the necessary safeguards. It stated that without an effective asylum system (including a referral mechanism that ensured access to asylum procedures), there was a high risk that persons might be subjected to refoulement.[149] It recommended that Mauritius seek the technical assistance of UNHCR in developing national asylum legislation and refugee status procedures consistent with relevant international standards.[150] The Committee against Torture and the Human Rights Committee had similar concerns.[151]

84. UNHCR also recommended inter alia, that Mauritius uphold and respect the international principle of non-refoulement and incorporate that principle in full into its national legislation; refrain from applying the concept of first country of asylum without safeguards incorporated in national legislation to ensure that asylum seekers and refugees effectively benefited from international protection and that Mauritius retained responsibility for obligations arising under international law; and establish a government agency responsible for receiving and screening asylum seekers, victims of trafficking and other individuals, who might arrive in Mauritius and who might be in need of international

protection, to ensure that they were referred to the correct procedures and received the necessary protection and assistance.[152]

85. The Committee on the Elimination of Discrimination against Women inquired about measures to ensure that migration and asylum policies did not deter women and girls from lawfully gaining access to asylum and about measures to ensure the equal application of labour laws to women migrant and local workers to prevent labour exploitation.[153]

6. Stateless persons

86. The Human Rights Committee remained concerned about the absence of a national mechanism on statelessness.[154]

87. UNHCR stated that there were no legal safeguards in the domestic legislation of Mauritius to grant nationality at birth to children born in the country who would otherwise be stateless, and to foundlings.[155]

88. UNHCR emphasized that without any legal status, stateless persons were often subject to a range of human rights violations and discrimination. It recommended, inter alia, that Mauritius introduce legal safeguards for foundlings and children born in the country who would otherwise be stateless.[156]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mauritius will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/MUIndex.aspx.
[2] For relevant recommendations, see A/HRC/25/8, paras. 128.1–128.15, 128.50–128.54, 129.1–129.13, 129.16 and 129.20–129.23.
[3] See CRC/C/MUS/CO/3-5, paras. 71–72.
[4] See CRPD/C/MUS/CO/1, para. 8. See also CRPD/C/MUS/CO/1/Add.1, paras. 15 and 20 and A/HRC/30/43/Add.3, para. 14.
[5] See CCPR/C/MUS/CO/5, para. 18. See also CRC/C/MUS/CO/3-5, para. 72.
[6] See CAT/C/MUS/CO/4, paras. 44 and 45. See also CRC/C/MUS/CO/3-5, para. 72.
[7] See CRC/C/MUS/CO/3-5, para. 64 (d).
[8] See A/HRC/30/43/Add.3, para. 14.
[9] See CRPD/C/MUS/CO/1, paras. 8 and 42 (a).
[10] UNHCR submission for the universal periodic review of Mauritius, p. 2. See also CAT/C/MUS/CO/4, para. 18.
[11] UNHCR submission, p. 2. See also: CAT/C/MUS/CO/4, para. 18 and CRC/C/MUS/CO/35, para. 75.
[12] UNHCR submission, p. 4. See also CRC/C/MUS/CO/3-5, para. 73.
[13] CRC/C/MUS/CO/3-5, para. 75. See also A/HRC/30/43/Add.3, para. 16.
[14] OHCHR, "OHCHR in the field: Africa", *OHCHR Report 2014*, p. 157.
[15] See CRC/C/MUS/CO/3-5, para. 74.
[16] See CAT/C/MUS/CO/4, para. 30.
[17] UNESCO submission for the universal periodic review of Mauritius, p. 7.
[18] OHCHR, "Donor profiles", *OHCHR Report 2016*, p. 130.
[19] For relevant recommendations, see A/HRC/25/8, paras. 128.16–128.21, 128.23–128.29, 128.42–128.44, 128.49, 128.65–128.66, 129.17–129.19, 129.24, 129.30 and 129.34.
[20] See A/HRC/30/43/Add.3, paras. 15 and 94.
[21] See CCPR/C/MUS/CO/5, paras. 3 (f) and 7. See also CAT/C/MUS/CO/4, para. 6 (d).
[22] See CAT/C/MUS/CO/4, para. 34. See also CCPR/C/MUS/CO/5, para. 8 and CRPD/C/MUS/CO/1, para. 46.
[23] See A/HRC/30/43/Add.3, para. 25.
[24] See CRC/C/MUS/CO/3-5, paras. 19–20.
[25] See CAT/C/MUS/CO/4, paras. 6 (e), 7 (a) and 33. See also CCPR/C/MUS/CO/5, para. 3 (i).
[26] Ibid., para. 7 (b). See also CRC/C/MUS/CO/3-5, para. 11.
[27] See CRC/C/MUS/CO/3-5, para. 5 (c).
[28] OHCHR, "Highlights of results", *OHCHR Report 2016*, p. 10.
[29] See CCPR/C/MUS/CO/5, para. 3 (a) and (b). See also CAT/C/MUS/CO/4, para. 6 (c).
[30] See CAT/C/MUS/CO/4, para. 6 (a), (b) and (f). See also CCPR/C/MUS/CO/5, para. 15.
[31] See CCPR/C/MUS/CO/5, para. 3 (h). See also CAT/C/MUS/CO/4, para. 6 (g).

[32] See CCPR/C/MUS/CO/5, para. 3 (e) and CRC/C/MUS/CO/3-5, para. 4 (a). See also CRC/C/MUS/CO/3-5, para. 27.
[33] See CAT/C/MUS/CO/4, para. 4.
[34] For relevant recommendations, see A/HRC/25/8, paras. 128.46, 128.65–128.66 and 129.31–129.33.
[35] See A/HRC/30/43/Add.3, paras. 33, 99 and 100.
[36] ILO Committee of Experts, direct request, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016.
[37] ILO Committee of Experts, observation, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016.
[38] See CRC/C/MUS/CO/3-5, paras. 27–28.
[39] See CCPR/C/MUS/CO/5, paras. 9–10.
[40] See A/HRC/30/43/Add.3, para. 18.
[41] See CCPR/C/MUS/CO/5, para. 22.
[42] See A/HRC/30/43/Add.3, para. 53.
[43] For relevant recommendations, see A/HRC/25/8, paras. 128.114.
[44] See statement of the Secretary-General, 9 May 2016, available at www.un.org/press/en/2016/sgsm17741.doc.htm.
[45] See CRC/C/MUS/CO/3-5, para. 58 (a).
[46] See A/HRC/30/43/Add.3, paras. 54 and 56.
[47] For relevant recommendations, see A/HRC/25/8, paras. 128.85–128.86.
[48] See CCPR/C/MUS/CO/5, paras. 27–28.
[49] For relevant recommendations, see A/HRC/25/8, paras. 128.39–128.41, 128.85 and 128.86.
[50] See CAT/C/MUS/CO/4, para. 31.
[51] See CCPR/C/MUS/CO/5, para. 33.
[52] See CAT/C/MUS/CO/4, paras 32 and. 36. See also CCPR/C/MUS/CO/5, para. 34.
[53] See CAT/C/MUS/CO/4, para. 16.
[54] Ibid., paras. 11–12 and 14.
[55] See CCPR/C/MUS/CO/5, para. 35.
[56] See CAT/C/MUS/CO/4, paras. 29 and 30. See also CCPR/C/MUS/CO/5, para. 36.
[57] See CCPR/C/MUS/CO/5, para. 36. See also CAT/C/MUS/CO/4, para. 7 (e).
[58] See A/HRC/30/43/Add.3, paras. 95, 101 and 102. See also CCPR/C/MUS/CO/5, para. 21.
[59] For relevant recommendations, see A/HRC/25/8, paras. 128.16, 128.30, 128.39, 128.41 and 129.15.
[60] See CAT/C/MUS/CO/4, para. 21.
[61] See CCPR/C/MUS/CO/5, para. 29. See also CAT/C/MUS/CO/4, para. 21.
[62] See CAT/C/MUS/CO/4, para. 22. See also CCPR/C/MUS/CO/5, para. 30.
[63] See CAT/C/MUS/CO/4, paras. 23–24 (b), (c) and (e).
[64] See CCPR/C/MUS/CO/5, paras. 31–32.
[65] For relevant recommendations, see A/HRC/25/8, paras. 128.48, 128.61–128.62, 128.88, 129.26–129.28 and 129.34.
[66] UNESCO submission, pp. 2 and 7.
[67] Ibid., pp. 3 and 7.
[68] See CCPR/C/105/D/1744/2007, para. 4.3.
[69] See CCPR/C/MUS/CO/5, paras. 41 and 42.
[70] See CCPR/C/MUS/CO/5, paras. 13–14. See also CEDAW/C/MUS/QPR/8, para. 11.
[71] For relevant recommendations, see A/HRC/25/8, paras. 128.81–128.84.
[72] See CRC/C/MUS/CO/3-5, para. 65.
[73] See CCPR/C/MUS/CO/5, para. 25.
[74] See CAT/C/MUS/CO/4, para. 41 (c).
[75] See CCPR/C/MUS/CO/5, para. 26. See also CRC/C/MUS/CO/3-5, para. 66 (b) and CEDAW/C/MUS/QPR/8, para. 9.
[76] See CAT/C/MUS/CO/4, para. 42 (c).
[77] See CCPR/C/MUS/CO/5, para. 26.
[78] See CRC/C/MUS/CO/3-5, para. 66. See also CEDAW/C/MUS/QPR/8, para. 9.
[79] For relevant recommendations, see A/HRC/25/8, para. 128.87.
[80] ILO Committee of Experts, observation, Equal Remuneration Convention, 1951 (No. 100), adopted 2016. See also CEDAW/C/MUS/QPR/8, para. 15.
[81] ILO Committee of Experts, observation, Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted 2016.
[82] Ibid.
[83] ILO Committee of Experts, direct request, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016.
[84] For relevant recommendations, see A/HRC/25/8, paras. 128.89–128.93.
[85] See A/HRC/30/43/Add.3, para. 115.

[86] For relevant recommendations, see A/HRC/25/8, paras. 128.89–128.94, 128.112 and 129.17–129.18.
[87] See A/HRC/30/43/Add.3, para. 45.
[88] See CRC/C/MUS/CO/3-5, paras. 59, 60 and 66 (d).
[89] See A/HRC/30/43/Add.3, paras. 8, 49 and 110.
[90] For relevant recommendations see A/HRC/25/8, paras. 128.45, 128.67–128.68 and 128.95–128.98.
[91] See CRC/C/MUS/CO/3-5, paras. 51–52.
[92] Ibid., para. 56 (b) and (c). See also CEDAW/C/MUS/QPR/8, para. 20.
[93] See CCPR/C/MUS/CO/5, para. 16. See also CRC/C/MUS/CO/3-5, para. 54 (a).
[94] See CCPR/C/MUS/CO/5, para. 16. See also CEDAW/C/MUS/QPR/8, para. 19.
[95] See A/HRC/30/43/Add.3, paras. 118, 123 and 125.
[96] For relevant recommendations, see A/HRC/25/8, paras. 128.30128.40, 128.99–128.100 and 128.104–128.105.
[97] See CRC/C/MUS/CO/3-5, paras. 61 and 62 (b), (c) and (d).
[98] UNESCO, p. 5.
[99] Ibid., p. 6. See also CEDAW/C/MUS/QPR/8, para. 12.
[100] See A/HRC/30/43/Add.3, para. 117.
[101] UNESCO, p. 6.
[102] For relevant recommendations, see A/HRC/25/8, paras. 128.17, 128.56–128.62, 128.69–128.77, 128.101–128.103, 129.19 and 129.25–129.27.
[103] See CEDAW/C/MUS/QPR/8, paras. 7 and 13.
[104] See CCPR/C/MUS/CO/5, paras. 11–12. See also: CEDAW/C/MUS/QPR/8, para. 15.
[105] ILO Committee of Experts, direct request, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016. See also: CEDAW/C/MUS/QPR/8, para. 15.
[106] ILO Committee of Experts, observation, Equal Remuneration Convention, 1951 (No. 100), adopted 2016. See also CEDAW/C/MUS/QPR/8, para. 16.
[107] Letter dated 10 September 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Mauritius to the United Nations Office and other international organizations in Geneva, p. 2, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MUS/INT_CEDAW_FUL_MUS_18183_E.pdf (accessed on 5 July 2018). See also CEDAW/C/MUS/QPR/8, para. 23.
[108] See CCPR/C/MUS/CO/5, paras. 19 and 20. See also CAT/C/MUS/CO/4, para. 41 (a).
[109] See CAT/C/MUS/CO/4, para. 42 (a) and (b). See also CRPD/C/MUS/CO/1, para. 12 and letter dated 10 September 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Mauritius to the United Nations Office and other international organizations in Geneva, p. 3.
[110] Letter dated 10 September 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Mauritius to the United Nations Office and other international organizations in Geneva, p. 3.
[111] See CRPD/C/MUS/CO/1, para. 11.
[112] For relevant recommendations, see A/HRC/25/8, paras. 128.18–128.23, 128.29, 128.47, 128.63–128.64, 128.78–128.80, and 129.35.
[113] See CRC/C/MUS/CO/3-5, paras. 39 and 40 (b).
[114] Ibid., paras. 37–38. See also CCPR/C/MUS/CO/5, paras. 23–24 and CEDAW/C/MUS/QPR/8, para. 8.
[115] See CRC/C/MUS/CO/3-5, paras. 41 and 42 (b), (c), (d) and (e).
[116] Ibid., paras. 63 and 64 (a) and (b).
[117] Ibid., paras. 67 and 68 (a) and (b).
[118] Ibid., paras. 43 and 44 (b) and (d).
[119] See CCPR/C/MUS/CO/5, para. 39. See also CAT/C/MUS/CO/4, paras. 25–26 and CRC/C/MUS/CO/3-5, paras. 69–70.
[120] See CAT/C/MUS/CO/4, para. 26.
[121] See CRC/C/MUS/CO/3-5, para. 30.
[122] Ibid., paras. 32 (a) and 70.
[123] Ibid., paras. 5 and 11–12.
[124] Ibid., para. 16 (a).
[125] Ibid., paras. 10 and 14.
[126] Ibid., para. 46.
[127] Ibid., paras. 25–26.
[128] Ibid., paras. 34 and 62 (a).
[129] For relevant recommendations, see A/HRC/25/8, paras. 128.106–128.111.
[130] See CRPD/C/MUS/CO/1, paras. 27–28.
[131] Ibid., paras. 29–30.

[132] See CRPD/C/MUS/CO/1, paras. 31 and 32. See also CRC/C/MUS/CO/3-5, paras. 49 (c) and 50 (a) and (c).
[133] See CRPD/C/MUS/CO/1, paras. 6 and 20.
[134] See CRPD/C/MUS/CO/1, paras. 6 and 12. See also CRPD/C/MUS/CO/1, para. 16 (b).
[135] See A/HRC/30/43/Add.3, para. 51. See also CRPD/C/MUS/CO/1, para. 17.
[136] See CRPD/C/MUS/CO/1, paras. 18 and 24.
[137] Ibid., para. 22.
[138] UNESCO, p. 6. See also CRC/C/MUS/CO/3-5, paras. 23 and 49 (a), (b) and (c).
[139] See CRC/C/MUS/CO/3-5, para. 49 (b). See also CRPD/C/MUS/CO/1, para. 13.
[140] See CRPD/C/MUS/CO/1, para. 13. See also CRC/C/MUS/CO/3-5, para. 49 (a).
[141] See CRPD/C/MUS/CO/1, para. 34. See also CRC/C/MUS/CO/3-5, para. 50 (a).
[142] See CRC/C/MUS/CO/3-5, para. 50 (a), (b) and (c). See also: CRPD/C/MUS/CO/1, para. 34.
[143] See CRPD/C/MUS/CO/1, paras. 36 and 38.
[144] Ibid., para. 40.
[145] For relevant recommendations, see A/HRC/25/8, paras. 128.113 and 129.36.
[146] For relevant recommendations, see A/HRC/25/8, para. 129.14.
[147] See CAT/C/MUS/CO/4, para. 17.
[148] UNHCR submission, p. 1.
[149] Ibid., p. 2.
[150] Ibid., p. 2.
[151] See CCPR/C/MUS/CO/5, para. 37 and CAT/C/MUS/CO/4, para. 18.
[152] UNHCR, pp. 3–4. See also CCPR/C/MUS/CO/5, para. 38 and CAT/C/MUS/CO/4, para. 18.
[153] See CEDAW/C/MUS/QPR/8, paras. 9 and 18.
[154] See CCPR/C/MUS/CO/5, paras. 37–38.
[155] UNHCR submission, p. 4.
[156] Ibid.

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Summary of Stakeholders' submissions on Mauritius*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 6 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. Center for Global Nonkilling (CGNK) recommended the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty, and the Convention on the Protection of all Persons from Enforced Disappearances.[4]

3. CGNK recommended that, although Mauritius had no army, it should swiftly present its initial report regarding the Second Protocol to the Convention on the Rights of the Child on children in armed conflict, which is applicable to army and police alike.[5]

4. CGNK noted with appreciation Mauritius support for the declaration on the human rights to peace and recommended the ratification of: the third Optional Protocol to the Geneva Conventions; the Protocols of the 1954 Hague Convention on cultural property in the event of armed conflict; and the most recent protocols of the Convention on Conventional Weapons.[6] International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that Mauritius had participated in the negotiation of the United Nations Treaty on the Prohibition of Nuclear weapons, and had voted in favour of its adoption on 7 July 2017. However, Mauritius had not yet signed this treaty. ICAN

* The present document was not edited before being sent to United Nations translation services.

recommended that Mauritius sign and ratify the U.N. Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.[7]

B. National human rights framework[8]

5. ECPAT International, Halley Movement and Pan-Mauritius Coalition (JS1) stated that the tasks of the Ombudsperson included launching an investigation as he/she sees fit, and the investigation of any complaints lodged by a child. However, the provisions did not give the Ombudsperson power to bring a court case on behalf of the child. JS1 also referred to the criticisms regarding the limited effectiveness of child-friendly complaints and reporting mechanisms.[9]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[10]

6. Collectif Arc en Ciel (CAEC) stated that homophobic attitudes persisted in Mauritius and that homosexuality tended to be framed within a discourse of sin and unnatural behaviour. Many lesbian, gay, bisexual and transgender (LGBT) persons experienced stigmatisation within their own family.[11] CAEC explained that the Civil Status Office did not recognise transgender persons who would like their identity documents (national identity card, passport) to reflect their self-identified gender.[12] YQA drew attention that gender identity was not covered under the Equal Opportunities Act 2008.[13] Young Queer Alliance (YQA) recommended that Mauritius conduct awareness-raising campaigns for the general public on the rights of LGBT persons.[14]

7. YQA asserted that the definition of "racial hatred" adopted by article 282 of the Criminal Code Act 1838 of Mauritius was clearly restrictive, as there was no mention of 'sexual orientation' or 'sexual identity' as a social group. Hence, hate motive on the basis of criminal acts against an individual based on their sexual orientation and gender identity could not be considered as an aggravating factor for criminal sentences under this Act.[15] It recommended that Mauritius amend article 282 of the Criminal Code Act 1838 by inserting direct indication of the hate motive against people based on their real or perceived sexual orientation, gender identity and gender expression as aggravating circumstances.[16]

8. YQA considered that, as long as sodomy was conducted between consenting adults, it was a matter of freedom and privacy of these individuals and the State should not interfere in the right to engage in such sexual activity related to bodily integrity.[17] CAEC recommended that Mauritius repeal article section 250 of the Criminal Code criminalising sodomy, as it reinforced the stigmatisation of homosexual and bisexual men and transgender people, as well as of lesbian and bisexual women.[18]

9. CAEC expressed that progress in adopting legislative measures leading to decriminalisation of same-sex relations appeared to have stalled. CAEC stated that to date, no national consultations on the subject had been conducted and that the recommendations of the Human Rights Committee on repealing the article that criminalises "sodomy" and on training police officers, judges and prosecutors on the rights of LGBT persons had not yet been included in the National Human Rights Action Plan 2012-2020 under the aegis of the Human Rights Secretariat/ National Mechanism for Reporting and Follow-up.[19] It recommended that the observations of the Human Rights Committee be implemented and that progress thereon be monitored under inter alia the National Human Rights Secretariat/ National Mechanism for Reporting and Follow-up.[20]

10. CAEC considered that current legislation reinforced the vulnerability of LGBT persons as it neither provided for protection against violence on the basis of sexual orientation or gender identity nor allowed rape victims to be considered as such.[21]

11. CAEC stated that despite the fact that the Employment Rights Act (2008) and the Equal Opportunities Act (2008) explicitly forbid discrimination based on sexual orientation, the fact remained that there was no recognition of non-heterosexual couples in society.[22] YQA noted that people who did not have the rights to enter into marriage and/or civil partnership were in a disadvantageous position as they did not enjoy the same benefits and rights.[23] CAEC recommended that Mauritius amend discriminatory definitions in the Mauritian legislation to include same-sex couples on the same basis as spouses of opposite sexes and that the state allow for legal recognition of self-identified gender under national law without the need for surgery and related medical procedures.[24]

12. CAEC recommended that Mauritius conduct wider consultations to update/ renew the existing 2008 National Gender Policy Framework and include civil society in consultations related to gender, gender-based violence, family welfare and child development.[25]

2. Civil and political rights

Right to life, liberty and security of person[26]

13. CGNK asserted that Mauritius had legally abolished death penalty in 1995 and yet, death penalty was still present in the Constitution. Furthermore, it underscored that the Mauritius' Constitution largely permitted the taking of life in cases of arrest, escape, riot, insurrection, mutiny and to prevent criminal offences (article 4). CGNK asserted that the use of force in these cases should be the subject of a strict independent control, instead of being permitted to be used under an exception to the right to life. CGNK urged Mauritius authorities to change the Constitution and enhance life and its values therein.[27]

14. CAEC underscored that the Advisory Committee on Reinforcement of Framework for Protection from Domestic Violence had recommended a review of relevant legislation and more specifically, the adoption of a more comprehensive definition of "domestic violence" therein so as to include all acts of physical, sexual, psychological or economic violence that occur within the family or between former or current spouses or partners, whether or not the perpetrator shared or had shared the same residence with the victim. CAEC stated that so far, there had been no indication that those recommendations had been taken on board or of the timing of further consultations on the matter.[28] CGNK encouraged the Government to act on the adoption and publication of comprehensive violence prevention plans.[29]

15. CAEC indicated that non-heterosexuals experienced harassment by neighbours, forced marriages following kidnapping and sequestrations by the family, physical violence and blackmail.[30] YQA asserted that violence due to homophobia and transphobia was a lived reality for many lesbian, gay, bisexual, transsexual, queer, intersex, and asexual persons living in Mauritius.[31] It stated that no legal sanctions had been taken against anti-LGBT supporters who had acted violently against persons present at the Gay Pride march, despite the presence of the Police Force.[32]

Administration of justice, including impunity, and the rule of law[33]

16. JS1 underscored there were various legal mechanisms for children to access justice in Mauritius if they believed their rights had been violated. JS1 also noted that there were several legal mechanisms that provided child-friendly and child-sensitive justice in Mauritius. It underscored that despite the fact that Mauritius had a Juvenile Court, the Court mainly dealt with situations where the child was the offender and not the victim. In terms of legal advice and aid, the Legal Aid and Legal Assistance Act did not stipulate legal aid to child victims but just to children charged with a crime or misdemeanour. JS1 added that as such, pro bono services were not well developed yet, and needed to be encouraged.[34]

17. JS1 recommended, inter alia, that Mauritius: establish a legal mechanism for children to access justice; ensure that law enforcement agencies have the resources and skills to identify, investigate and respond to sexual exploitation of children and are able to use victim-centred and child friendly methods when dealing with child victims and witnesses; create additional legal provisions to ensure that child victims of sexual

exploitation have access to legal remedies, regardless of their gender or their background; and ensure that, regarding sexual exploitation of children, victims are not treated as criminals, and that the burden of proof falls on the authorities and not on the victim.[35]

18. CAEC recommended, inter alia, that Mauritius: ensure that all programmes working on policing, the criminal justice system and/or civil society actively address LGBT hate crime; provide training on sensitivity and effective response to LGBT discrimination and hate crime for police, security services and the criminal justice system; and build the capacity of law enforcement officers to document instances of hate crime against them.[36] YQA recommended that the state develop and implement policies and programmes for police officers, judges and prosecutors on the rights of LGBT persons.[37]

Fundamental freedoms and the right to participate in public and political life[38]

19. YQA indicated that human rights defenders and organisations were targets of hate crimes as a result of their work in defending the rights of LGBT people, giving as an example the death threats that the former president of YQA had received in 2014.[39]

20. Recalling the right to take part in the conduct of public affairs, directly or through freely chosen representatives, CGNK encouraged the Parliament of Mauritius to consider the implementation of new democratic means in order to enhance the participation and responsibilities of the people of Mauritius.[40]

3. Economic, social and cultural rights

Right to an adequate standard of living[41]

21. JS1 stated that out of all local communities, the Creole community was the most affected by poverty.[42]

Right to health[43]

22. CGNK noted that the rate for mortality under the age of 5 was 12.2 / 1,000 (2017), which showed Mauritius was doing well.[44]

23. CGNK recommended to pursue its efforts at suicide prevention and to give reinforced attention to the prevention of suicides by males.[45]

24. CAEC expressed that laws that criminalised same-sex relations led to the virtual exclusion of LGBT people from many national HIV/AIDS policies.[46] CGNK stated sexual education and contraceptive means should be readily available.[47]

25. CAEC asserted that, in spite of the protection afforded laws, members of the LGBT community had reported high levels of stigma and other problems at public health care facilities and transgender persons faced particular forms of stigma and discrimination that undermined their access to health care, among others.[48] It underscored that health facilities and service providers failed to understand and had outdated approaches to gender identity and expression. Health care services failed to provide appropriate sexual and reproductive health services.[49]

26. CGNK noted complications arising from illegal abortions and recommended that the government take more actions regarding abortion prevention and safe abortions.[50]

4. Rights of specific persons or groups

Children[51]

27. JS1 recalled that in the country's last UPR report in 2013, various countries recommended the government to finalise and submit the Children's Bill, recommendation that was accepted.[52] However, since then the Children's Bill still has not been adopted, It recommended that Mauritius urgently adopt the consolidated children's Bill.[53]

28. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment in Mauritius was lawful in the home, in alternative care settings, in schools, and in penal institutions.[54] GIEACPC asserted that the Child Protection Act

1994 made it an offence to "ill-treat a child or otherwise expose a child to harm" but did not prohibit all corporal punishment and that other legal provisions against violence and abuse, including the Criminal Code, were not interpreted as prohibiting all corporal punishment.[55]

29. GIEACPC stated that since the second UPR review, there had been no change in the legality of corporal punishment of children.[56] GIEACPC expressed hope that the Working Group on the UPR will note with concern the legality of corporal punishment of children in Mauritius and that states will raise the issue during the review in 2018 and make a specific recommendation that Mauritius fulfil its commitment and enact the Children's Bill as a matter of urgency to clearly prohibit all corporal punishment of children in all settings, including in the home.[57]

30. JS1 asserted that from 2012 to 2013, more than 818 complaints of abuse committed against children were recorded by Helpline Mauritius. JS1 stated that according to the Child Development Unit, 1175 children suffered sexual violence in the last 5 years.[58] JS1 highlighted the fact that in the last country's UPR in 2013, no recommendations targeted specifically the exploitation of children in prostitution, online child sexual exploitation, child sexual abuse materials, sexual exploitation of children in the context of travel and tourism, and child early and forced marriage.[59]

31. JS1 asserted that existing risk factors leading to the sexual exploitation of children were poverty, the high number of children living on the streets, low birth registration, a high rate of substance use and abuse, family breakdowns, and a lack of information regarding sexual exploitation of children, societal norms, perceptions and stigma.[60]

32. JS1 indicated that the Mauritian legal frameworks relating to the sale and trafficking of children for sexual purposes were comprehensive and in compliance with the international minimum standards and that the main law that dealt with the issue was the Combating of Trafficking in Persons Act.[61] Nevertheless, JS1 underscored the lack of clarity and uniformity in Mauritius' legislation in relation to all forms of sexual exploitation of children. It asserted that the main laws penalising related offences were the Child Protection Act and the Criminal Code, which did not meet the international minimum standards.[62]

33. JS1 stated that the Child Protection Act contained norms, which could partially entail some manifestation of online child sexual exploitation, but that the Act did not provide a definition for child sexual abuse materials.[63] It added that despite reported significant numbers of children sexually exploited in the context of travel and tourism, there was no explicit legal provision that addressed such offences.[64] It recommended that Mauritius provide a legal definition and criminalise both sexual exploitation of children in the context of travel and tourism and online child sexual exploitation, and provide a definition of child sexual abuse materials.[65]

34. Recalling the lack of a main pivotal body in the government to coordinate specifically policies and measures against the sexual exploitation of children, JS1 recommended that the government create a body which specifically focuses on sexual exploitation of children and all its manifestations and strengthen coordination and cooperation between the various government departments and agencies working in the areas covered by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.[66]

35. JS1 underscored the lack of plan of actions addressing sexual exploitation of children. JS1 noted the launch of the National Child Protection Strategy and its Action Plan and the National Human Rights Action Plan. It stated that although the government drafted the National Plan to Combat Human Trafficking in 2016, there was no indication that the plan had been approved yet.[67] JS1 recommended, inter alia, that Mauritius establish a new National Plan of Action (NPA) to combat the sexual exploitation of children, ensure and allocate sufficient budget for the dissemination, implementation, monitoring and evaluation of all National Plans of Action and establish a data-gathering system to evaluate the extent and severity of sexual exploitation of children in Mauritius.[68]

36. JS1 also recommended, inter alia, that the government: continue raising public awareness about sexual exploitation of children, specifically among vulnerable groups, and

about the sanctions applicable to this crime to all citizens and visitors; promote the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; invest in child empowering prevention programmes on sexual exploitation of children, included in the standard school curricula and address its root causes; and promote child protective social norms through community development projects and the media, including social networks.[69]

37. JS1 indicated that the Child Development Unit of the Police Force put in important efforts to provide adequate protection for child victims. It asserted that, however, police officers stated that one of the major challenges faced was how to effectively identify child victims of sexual exploitation. JS1 underscored the lack of commitment of the Government to prosecute and convict offenders of child trafficking.[70] It also pointed out that there was a considerable lack of resources to adequately provide access to recovery and reintegration for child victims. It described a lack of sufficient training and specialised staff members, which resulted in limited and insufficient rehabilitation and reintegration procedures for child victims.[71]

38. JS1 recommended, inter alia, that Mauritius: ensure that child-friendly services are available and regulated by quality standards, with adequate resources and easily accessible to all children, in order to guarantee their physical and psychological recovery and reintegration into their communities; inform and educate child victims of sexual exploitation about available recovery and reintegration structures; and mobilise sufficient financial and human resources to maintain the shelters for child victims.[72]

39. JS1 indicated that according to the Child Protection Act, a child was any unmarried person under the age of 18 and the age of marriage was 18 for both boys and girls. However, a child above the age of 16 could get married with parental, guardians' or the court's consent.[73] It recommended that Mauritius amend the Child Protection Act, and raise the age of marriage to 18 years of age for both girls and boys without exceptions.[74]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

CAEC	Collectif Arc en Ciel, Quatre Bornes (Mauritius);
CGNK	Center for Global Nonkilling, Geneva (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva Switzerland;
YQA	Young Queer Alliance, Melrose (Mauritius).

Joint submissions:

JS1	**Joint submission 1 submitted by:** ECPAT International and Halley Movement and Pan-Mauritius Coalition.

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;

CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For the relevant recommendations, see A/HRC/25/8, paras. 128.1-28.15, 128.50-128.54, 129.1-129.13, 129.16 and 129.20-129.23.
[4] CGNK, pp. 4 and 5.
[5] CGNK, p. 5.
[6] CGNK, p. 5.
[7] ICAN, p. 1. See also: CGNK, p. 5.
[8] For the relevant recommendations, see A/HRC/25/8, paras. 128.16-128.21, 128.23-128.29, 128.42-128.44, 128.49, 128.65, 128.66, 129.17-129.19, 129.24, 129.30 and 129.34.
[9] JS1, p. 9.
[10] For the relevant recommendations, see A/HRC/25/8, paras. 128.46, 128.65, 128.66, 129.31-129.33 and 129.55.
[11] CAEC, p. 2.
[12] CAEC, p. 4.
[13] YQA, p. 3.
[14] YQA, p. 10.
[15] YQA, p. 5.
[16] YQA, p. 10.
[17] YQA, p. 9.
[18] CAEC, p. 2. See also: YQA, p. 10.
[19] CAEC, p. 3.
[20] CAEC, p. 3.
[21] CAEC, p. 4.
[22] CAEC, p. 2. See also: YQA, p. 3.
[23] YQA, p. 7.
[24] CAEC, p. 5.
[25] CAEC, p. 5.
[26] For relevant recommendations see A/HRC/25/8, paras. 128.39-128.41, 128.85 and 128.86.
[27] CGNK, p. 4.
[28] CAEC, p. 5.
[29] CGNK, p. 5.
[30] CAEC, pp. 5 and 6.
[31] YQA, p. 5.
[32] YQA, p. 5.
[33] For relevant recommendations see A/HRC/25/8, paras. 128.16, 128.30, 128.39, 128.41, and 129.15.
[34] JS1, p. 9.
[35] JS1, p. 11.
[36] CAEC, p. 6.
[37] YQA, p. 10.
[38] For relevant recommendations see A/HRC/25/8, paras. 128.48, 128.61, 128.62, 128.88, 129.26-129.28, and 129.34.
[39] YQA, p. 5.
[40] CGNK, p. 5.
[41] For relevant recommendations see A/HRC/25/8, paras. 128.89-128.94, 128.112, 129.17 and 129.18.
[42] JS1, p. 3.
[43] For relevant recommendations see A/HRC/25/8, paras. 128.45, 128.67, 128.68, 128.95-128.98.
[44] CGNK, p. 6.
[45] CGNK, p. 6.
[46] CAEC, p. 3.
[47] CGNK, p. 6.
[48] CAEC, p. 6.

[49] CAEC, p. 7.
[50] CGNK, p. 6.
[51] For relevant recommendations see A/HRC/25/8, paras. 128.18-128.23, 128.29, 128.47, 128.63, 128.64, 128.78-128.80, and 129.35.
[52] See A/HRC/25/8, paras. 128.18-128.23.
[53] JS1, pp. 5 and 7.
[54] GIEACPC, p. 3.
[55] GIEACPC, p. 2.
[56] GIEACPC, p. 1.
[57] GIEACPC, p. 1.
[58] JS1, p. 3.
[59] JS1, p. 3.
[60] JS1, p. 3.
[61] JS1, p. 6.
[62] JS1, p. 5.
[63] JS1, p. 6.
[64] JS1, p. 6.
[65] JS1, p. 7.
[66] JS1, p. 5.
[67] JS1, p. 4.
[68] JS1, p. 5.
[69] JS1, p. 9.
[70] JS1, p. 4.
[71] JS1, p. 10.
[72] JS1, pp. 10 and 11.
[73] JS1, p. 4.
[74] JS1, p. 7.